

AFRICAN STATES: SETTLEMENT OF POLITICAL DISPUTES:
THE ROLE OF THE ORGANIZATION OF AFRICAN UNITY, 1963-
1979. A HISTORICAL REVIEW AND SPECULATIVE ANALYSIS

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ABSTRACT
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This thesis is a historical review and an analytical study of the role of the Organization of African Unity (OAU) in settling African conflicts. The study begins with a brief account of the formation of the Organization of African Unity. It proceeds with an examination of the OAU Charter and the Commission of Mediation, Conciliation and Arbitration. It then reviews and analyzes the role of the OAU in settling nine major selected disputes and ends with a recommendation for the creation of an All-African High Command, which I believe would make the OAU more effective.

This study is of importance because it attempts to assess the contention of Professor George Liska and other authorities that small or weak regional organizations are incapable of deterring aggression and therefore cannot preserve regional peace and security, and that consequently the influence of big powers will always be present. The study revealed that while

foreign influence is evident in the OAU, a few states are adamantly asserting their non-aligned status, and that these countries were most diligent in trying to settle African disputes. The analysis also showed that though the OAU was unable to solve major conflicts, it helped restore peace and security in a number of instances. The overall conclusion is that the OAU is an entity which, though powerless to cope with all the numerous political disputes, is still regarded by a majority of its members as the only African organization which can help bring genuine peace and security to the continent as a whole. The Organization is still searching for means to realise its aims.

DEDICATION

This thesis is dedicated to Betafo Ba Nangomoko and S. N. Mokube, who sowed but did not wait to harvest, and to Musuari M. Etane, Esono M. Etane and Momai J. Etane, who were deprived, and also to Nanje P. Metume, whose sponsorship made my post primary education possible.

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CHAPTER I

INTRODUCTION

The Necessity of Forming the OAU

The continuous attack on the colonial system by Pan-Africanists-especially after the Fifth Pan-African Conference of 1945, coupled with provision in the U.N. Charter¹ advocating that the inhabitants of colonies be made to "develop self-government or independence," resulted, in the early 1950s, in the decline of colonialism in Africa. In the late 1950s and early 1960s numerous African countries achieved independence and by 1980 only one African country, Namibia, remained a colony.²

As Dr. Yassin El-Ayouty correctly stated, according to the African political leaders:

The right of the peoples to self-determination is a categoric demand for which there shall be no exception, a sort of a natural right valid in all places and for all time, taking priority over all the other provisions of the Charter of the United Nations.³

But, though the long awaited independence had been achieved, it

¹See Chapters XI and XII of the Charter of the United Nations Organization.

²The Republic of South Africa is still ruled by a minority settler regime.

³Yassin El-Ayouty, "The OAU After Ten Years," Comparative Perspective (New York: Praeger Publishers, 1976), p. 97.

was soon realized that gaining freedom was one thing while remaining free from the political and economic clutches of the former and new imperialist powers⁴ was another. The African states were faced with another perilous confrontation, namely, the intrigues of imperialists to thwart their newly achieved freedom. In other words, the African leaders discovered that while colonialism had been pushed out through the door, neo-colonialism, a much more dreadful version of imperialism, sneaked in through the window.

The Congo Crisis of the early 1960s gave credence to the above realization. It provided a traumatic experience to the young African states; it laid bare the realization that the weaker and young states were powerless in defending their rights against neo-colonialism, a new brand of imperialism. The Crisis marked the official importation of the Cold War to the African soil,⁵ and provided a proxy-war-like situation between the Soviet Union and the United States of America.

To the United States of America, the leadership and economic policies of the duly elected Congolese Prime Minister, Patrice Lumumba, were inimical to its economic and other interests.⁶ Above all, the feeling that Lumumba was leaning

⁴The U.S.S.R.; U.S.A. and China which were not colonial powers, had by the early 1960s, started to gain influence in Africa. As these powers have economic and political interests in Africa, they present the threat of neo-colonialism.

⁵Mack H. Jones, "The Development of the Political Role of the United Nations Secretary General, 1945-1967." (Ph.D. Dissertation, Urbana: University of Illinois, 1967), pp. 132, 153.

⁶U.S. Economic interest was motivated by Congo's mineral

towards the Soviet Union⁷ was taken to mean that he would make the Congo a communist state, thereby preclude the expansion of U.S. economic domination in Africa. Therefore, U.S. policy-makers declared that Lumumba must go; so he went, and the U.S. was implicated.⁸

The manner in which the Congo Crisis was handled by the big powers working under the cover of the United Nations convinced the African leaders of the necessity of setting up an indigenous African organization to cater to Africa's interests. This regional organization was to play a role similar to that of the Organization of American States which serves the New World, or the Arab League which collectively serves the Arab World.

Scope and Method

This thesis seeks to review and analyze the role of the OAU in settling African political disputes. The study starts with a brief account of the formation of the OAU and its Charter as well as the Protocol of Mediation Conciliation and Arbitration. It proceeds with an examination of the part

while militarily Congo location in Africa is of great importance.

⁷See Mack Jones, "The Development of the Political Role of the United Nations Secretary General," p. 152.

⁸The C.I.A. has been implicated in the deaths of Lumumba and Kwame Nkrumah. Dr. Kwame Nkrumah also maintained that Joseph Kasavuba and Moise Tshombe (who were implicated by a U.N. Security Council Special Report on the death of Lumumba) were members of Moral Re-Armament (MRA), a U.S.A. based movement which was supported and financed by the C.I.A.

played by the OAU in settling nine major selected disputes. The selected disputes have been treated under three main groups.

The first group deals with disputes involving borders and irredentist territorial claims. The crises in the Maghreb and in the Horn of Africa have been reviewed and analyzed here. The second major selection treats disputes arising from secessionist and subversive activities. Here, two major civil wars, namely, the Biafran and Southern Sudanese rebellions have been reviewed. Also treated here are the subversive activities of two great African leaders, the late Dr. Kwame Nkrumah, the former Ghanaian leader and President Julius K. Nyerere of Tanzania. Finally, the third group deals with the role of the OAU in the liberation of Southern Africa. The struggle to liberate Rhodesia is fully reviewed here.

The researcher's conclusion gives a balance sheet of the effectiveness of the OAU in settling African political disputes, and ends with a recommendation for the creation of an All African High Command which I believe would make the OAU more effective in settling disputes.

The method employed was content analysis. I reviewed books, journals, documents, magazines, newspapers and other numerous publications.

Regionalism

The use of regional arrangements in the maintenance of world peace and security has been practiced for a long time.

Perhaps one of the earliest eloquent modern examples was in 1493 when Pope Alexander VI, the Christian world ruler at that time, divided the non-Christian world between Spain and Portugal. In the 1494 Peace Treaty of Tordesillas, the New World and West were placed under the Spanish sphere of influence while Portugal agreed to concentrate on Africa and the East.⁹ A more recent example was the nineteenth century Monroe Doctrine of the United States of America. By this declaration the United States tried to prevent the regaining of South America for Spain by the Quadrub Alliance.¹⁰ President Monroe and Secretary of State Adams warned the Quadrub Alliance that: "The American continents are no longer subjects of any New European colonial establishments."¹¹ What President Monroe and his Secretary of State wanted to impress on both the Quadrub Alliance in particular and other powers with vested interests in the Americas was that the United States regarded the New World as her sphere of influence and control, and that intruders will not be tolerated.

The point to be made here is that from the dawn of civilization, leaders of powerful nations have always been regarded certain regions as being under their sphere of influence

⁹John A. Garraty, The American Nation, History of the United States. (New York: Columbia University Press, 1966), p. 18.

¹⁰The Quadrub Alliance was formed at the Congress of Verona in 1822, and its members were Austria, Prussia, France and Russia.

¹¹John Garraty, American Nation, p. 206.

and this unwritten international law has been respected. That is why the U.N. Charter also acknowledges regionalism.

When drafting the U.N. Charter, leaders like Churchill believed that regional organization was a "strategy for preserving spheres of influence"¹² or as Inis Claude puts it,

. . . it was impossible to ignore the prevalence of the wartime Churchill view that there should be several regional councils, august but subordinate, [and] that these should form the massive pillars upon which world organizations would be founded in majesty and calm.¹³

Article 52 of the U.N. Charter recognizes the establishment of regional organizations to deal with matters relating to the maintenance of international peace and security. The Article states:¹⁴

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenances of international peace and security as are appropriate for regional action
2. The members of the United Nations entering into such arrangement or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the

¹²Robert W. Gregg, International Organization in the Western Hemisphere (Syracuse: Syracuse University Press, 1968), p. 1.

¹³Innis Claude, Swords Into Plowshares: The Problems and Progress of International Organization (New York: H. Woroff Book Manufacturing Co., 1956), p. 106.

¹⁴Leland Goodrich, Edvard Hambro and Anne Simons, Charter of the United Nations, Commentary and Documents (New York: Columbia University Press, 1969), p. 355.

development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

The main theory of regionalism assumes that the world is too big and heterogenous, that people at opposite ends do not face the same problems, or develop a common framework to solve them.

Within regionalism, it is claimed that:

. . . adaptation of international solutions to real problems can be intelligently carried out and commitments by states to each other can be confined to manageable proportions and sanctioned clearly evident bonds of mutuality.¹⁵

On the basis of this theory, during the early phase of the Second World War, the allied statesmen emphasized the regional approach to world security by claiming that:

. . . it was only the countries whose interests were directly affected by a dispute who could be expected to apply themselves with sufficient vigour to secure a settlement.¹⁶

However, whether the regional organization is OAS, SEATO, NATO, or Warsaw Pact, its main purpose is for the preservation of the influence of the dominant powers within it. For example, without doubt, OAS and NATO serve the interests of the United States more than any other member; the Warsaw Pact does the same to the Soviet Union.

Professor Liska has asserted that small state regionalism cannot survive without the big powers; he advances the following

¹⁵Inis Claude, Swords Into Plowshares, p. 95.

¹⁶Leland Goodrich, Edvard and Simon, Charter of the U.N. cites Ruth B. Russell, A History of the U.N. Charter (Washington: Brookings Institution, 1958), p. 107.

reasons:¹⁷ (a) small state regionalism is impractical because of the inadequacy of weaker powers to ensure regional security and welfare; (b) study of the Arab League and the Little Entent reveals a number of inherent disadvantages of small state regional cooperation.

Specifically, Liska's study of the Little Entent and Arab League reveals the following limitations of small-state groups:

1. Both brought together minor states formerly belonging to large empires situated in strategic areas but with inadequate defensive powers.
2. The incentive to association in both instances was negative-the Arab states to affect Israel and the Little Entent to check Hungary and Bulgaria.
3. While both groups desired to expel great power influence (France from the Middle East and Russia, Italy and Germany from the Balkans) they needed the aid of outside powers for stability: France to support the Little Entent and the United States and Britain to aid the Arab League.

In synopsis the point Professor Liska has made is that small or weak regional organizations are incapable of deterring aggression and therefore cannot preserve regional peace and security; and that big powers influence will always be present.

Does the Organization of African Unity share some of the limitation of small or weak regional organizations? The aim of this endeavour is to review and analyze, through selected

¹⁷Richard A Falk and Saul H. Mendlovitz, Regional Politics and World Order (San Francisco: W. H. Freeman and Company, 1973), p. 221. Cites George Liska, "International Equilibrium," pp. 142-148.

examples, the role of the OAU in settling African political disputes.

The OAU: Its Charter and Commission of
Mediation, Conciliation and Arbitration

Before the charter of the Organization of African Unity was signed in Addis Ababa in 1963, there had been several attempts to bring together the political leaders of Africa. The first of these took place at Accra, Ghana on April 5, 1958, where one year after Ghana's independence, the Ghanaian Prime Minister called the First Conference of All Independent States. The purpose of this gathering, was, according to Dr. Kwame Nkrumah, to:

Exchange views on matters of common interests; to explore ways and means of consolidating and safeguarding all independence; to strengthen the economic and cultural ties between our countries; to decide on workable arrangements for helping Africans still subject to colonial rule and to examine the central problems of how to secure peace.¹⁸

In 1960, another Conference of Independent African States was convened in Addis Ababa, and yet another, called All-African People's Conference (AAP) took place in Cairo, Egypt in early 1961. Specifically, the All-African People's Conference was called to examine a number of hot issues and events taking place in Africa, the Congo Crisis, disturbances in Algeria and other parts of the continent as well as the trouble in South Africa.¹⁹

There were some sub-regional groupings too. The

¹⁸ Kwame Nkrumah, Africa Must Unite (New York: International Publishers, 1963), p. 136.

¹⁹ Ibid., p. 139.

Brazaville Group comprising of the Francophone States was formed in 1960. Its members were the former French colonies except Togo, and included the former French trusteeship, Cameroon and Madagasca.²⁰ This group advocated close cooperation with France and it took a moderate stand with regard to decolonization including the Algerian struggle; it supported Mauritania's independence.²¹

The policies of the Brazaville group were in direct conflict with another rival faction, the Casablanca Group, which comprised the so-called radical states, namely, Egypt, Algerian F.L.N. (Front de Liberation National), Ghana, Guinea, Mali, Libya and Morocco. This group regarded the views of the Brazaville group as an expression of continuing dependence and supporting neo-colonialism. It strongly supported Algeria's struggle and "a unified military command for the struggle against colonialism, and for opposing French nuclear test on the African continent."²² Apart from its nuclear tests in the Sahara, France evoked the anger of Nkrumah and his Casablanca colleagues because of its refusal to comply with the stipulation of Article 76 of the charter of the U.N. concerning the Trusteeship system, whereby the former mandated territories of Tanganyika, Togo and Cameroon, were to be self-governed and

²⁰Marion Mushkat, "Problems of Political and Organizational Unity in Africa," African Studies Review (September 1970), p. 272.

²¹Ibid.

²²Ibid.

independent later. But, France opposed the establishment of a time table for its colonies and mandated territory, and in the case of Cameroon arrogantly claimed during a U.N. debate that:

For us, the question is simple, we are in Cameroon as we are in Algeria or Senegal. We have been there for nearly thirty years, we have given them men of first order, we have expended considerable sums. For us Cameroon and Togo are part of the French Union. The French Union exists. Cameroon and Togoland are constituent parts, we refuse to accept that what only concerned the French nation can be discussed internationally.²³

How could a territory in Africa, in the heart of Africa, be a constituent part of a European power thousands of miles away? This proposition was far too insulting for the Casablanca group to accept.

In any case, by the end of 1962, and noticeably after Algeria's independence, the conflicts between the Casablanca and Brazzaville blocs started to disappear. The latter group seemed to have had an edge over the former; for the radicals, especially after the Monrovia Conference, feared being isolated. As Marion Mushkat pointed out:

The fear brought about the high number of participants in the Addis Ababa Conference on May 12, 1963, a quick ratification of the Organization's Charter in spite of the fact that it was formulated according to the principles of Afro-Malagash Organization.²⁴

However, as the Heads of State and Government were signing the OAU Charter in the early hours of Sunday, May 26,

²³Richard Joseph, Radical Nationalism in Cameroon, Social Origins of the U.P.C. Rebellion (Oxford Press, 1977) p. 20.

²⁴Marion Mushkat, "Problems of Political and Organization Unity in Africa," African Studies Review (September 1970), p. 274. See also Nkrumah, Revolutionary Path (New York:

1963, to them, it was not a question of which bloc lost or won.

The Emperor of Ethiopia had this to say:

Experience has taught us that no matter how much one would sustain hardship and struggle by oneself, one would not submit or solve one's problems alone. Only in determination of our will to solve it together, can we discover strength and wisdom to guide us beyond the horizon wherein lies the better life of our people.²⁵

In his address to the 1963 Summit Conference, President Sekou Toure of Guinea also stated that:

The Casablanca Charter and the Monrovia Charter were attempts at African Unity and means of accelerating the historic progress in Africa. These means must be marked into a single and unique Charter, the Charter of United Africa.²⁶

In the same Conference, speaking against a proliferation of African groupings, Crown Prince Hassan of Rida of Libya said:

Mutual understanding and closer cooperation among African states is a necessity. We must avoid at all costs the formation of African groupings which tear and split the unity of Africa and create a real danger to our security and existence. Such disunity would only aid the imperialists to sow the seed of discord and dissention among the African nations, to the benefits of their selfish interests and colonial objectives.²⁷

Other leaders voiced their feelings in support of a Charter that covered the whole continent. For example, President Julius K. Nyerere argued:

The enemies of Africa are now praying. They are praying for the failure of this conference. The

International Publishers, 1973), p. 286.

²⁵Zdenek Cervenka, OAU and Its Charter (London: C. Hurst and Company, Ltd., 1968), p. 26.

²⁶Ibid., p. 141.

²⁷Ibid., p. 142.

people of Africa are also praying. They are praying for the triumph of Pan-Africanism over narrow nationalism and regionalism. They are praying for the triumph of an all-embracing African Charter over a Monrovia or Casablanca Charter.²⁸

In fact, in that history making Conference, some leaders were convinced or at least, had the impression that by signing the Charter, the previous groups were killed and buried. The Prime Minister of Uganda, Dr. Milton Obote said:

We have therefore agreed and are firmly resolved to renounce the Casablanca and Monrovia Charters. Instead, we have adopted and signed, for the first time in the history of Africa—one Charter to guide our cause and actions.²⁹

Dr. Kwame Nkrumah of Ghana quickly agreed with Dr. Milton Obote; he cried with joy: "We should be happy that at long last, by the adoption of this Charter, we have seen the end of the various groupings and regional blocs."³⁰

So, it could be said with a degree of justification that the thirty-one African leaders who attached their signatures on the OAU Charter on May 26, 1963, were determined to down play the importance of the various blocs and regional organizations to which they belonged.

In spite of the haste in drafting and adopting it, the OAU Charter was very unique, as Dr. Wonoroff's apt comments indicated:

The Organization created in Addis Ababa was highly original. The Africans did not copy the standard

²⁸Ibid.

²⁹Ibid.

³⁰Ibid.

structure ... a broad assembly of government delegates and a narrow governing body ... largely adopted in the United Nations family and elsewhere. They did not add an unreal and powerless people's assembly. Rather, they maintained and improved upon the structure that was developing naturally on the continent.³¹

As mentioned earlier, the OAU Charter was a blend of the Monrovia and Casablanca Charters, which had started the development of a framework peculiar to Africa. The introduction as well as articles two, three, five and six of the OAU Charter are based on the Afro-Malagash Union Charter.³²

The Supreme organ of the OAU Charter is a Summit Conference, which is now institutionalised as a yearly Assembly of the Heads of States and Government. It is a unique set up which takes cognizance of African tradition where it is the responsibility of the leaders to meet and decide or take major actions on important and grave issues. Even in the pre-state era, the final decisions were made collectively by the elders. In discussing an issue of importance, for example, a war, dispute over farming or fishing grounds, the clan heads or chiefs of the disputing factions, after their emissaries or spokesmen had paved the way, met to hear the dispute. They had the final say in declaring a war or making peace. The Summit Conference of the OAU seems to reflect this tradition.

A Council of Ministers which is composed of the Foreign Ministers of the member states in addition to other assigned

³¹Wonoroff, Organizing African Unity (New Jersey: The Scarecrow Press, Inc., 1970), p. 155.

³²Marion Mushkat, "Problems of Political and Organizational Unity," African Studies Review (September 1970), p.274.

duties, helps to prepare the work for the African leaders. They prepare the agenda for meeting of the Heads of State and Government.

In order to promote cooperation in the ever expanding fields in world activities, the OAU founding fathers created specialised Commissions to handle the administrative work and also to help prepare activities for the various bodies, an independent and permanent Secretariat was created. For the purpose of preserving peace, a Commission of Mediation, Conciliation and Arbitration was also created.

The OAU Charter³³ stresses that member states adhere to the principles of sovereignty, nonintervention in the internal affairs of another state, right of independence and of territorial integrity. The Charter also forbids political assassinations and all forms of subversion. Finally, it calls for the liberation of Africa.

The political situation in Africa at the time when the Charter was being drafted necessitated the attention paid to the young states safety, the respect of the sovereignty of each state, of noninterference by another state, of territorial integrity of each state and so on. In fact, Article III, which is the heart of the OAU Charter, is like a Bill of Rights of African States. If it was based on fear, or the desire to ensure the safety of their states that caused this stress on states rights, the leaders had a point. A look at the

³³Ibid., See also Article II and III of the OAU Charter.

geographic and demographic makeup of the young states reveal that these countries would in the future create problems of their own. During the scramble for Africa the European powers, in drawing their colonial boundaries gave no consideration to the historical divisions and cultures of the African people. The artificial and arbitrary division of the continent was far from satisfactory to those colonized. It is not uncommon to find people speaking the same language in two or more countries. For example, the Ewes are in Ghana, Togo and the Ivory Coast, the Fulanis in Nigeria and Cameroon, the Somalis in Ethiopia, Somalia, Kenya and so on. However, the leaders of the independent African states felt that the boundaries inherited from their colonizers should remain in tact, for adjusting them would only create more trouble.

The Commission of Mediation, Conciliation
and Arbitration

Having accepted their inherited problems, the African leaders aware of their military weakness, and as a means of reducing friction and animosity among themselves, saw the necessity for setting up political machinery for peaceful settlements. Under Article XIX the Heads of States and Government declared that they:

Pledge to settle all disputes among themselves by peaceful means and to this end, decided to establish a Commission of Mediation, Conciliation and Arbitration. The composition of which and condition of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government.

³⁴Wonoroff, Organizing African Unity, p. 176.

The first draft of the Protocol of the Commission of Mediation, Conciliation and Arbitration was started at the First Council of Ministers in Dakar, Senegal in August 1963. At the Second Session in Lagos, Nigeria, the Council of Ministers appointed a Committee of Experts to do a thorough study of the basic draft started in Dakar. The members of the Committee included experts from Ghana, Liberia, Mali, Nigeria, Somalia, Tanzania and United Arab Republic. Once more the Lagos draft was expanded and polished by experts that met in Cairo, where it was finally adopted. The African leaders who were also meeting in Cairo, signed the Protocol on July 21, 1964 and it became an integral part of the OAU Charter. In October 1965, during the Accra OAU Summit, the Commission headed by Justice M. A. Odesanga of Nigeria was appointed, but it was not until 1967 that the first meeting of the Commission took place in Addis Ababa.

The Commission consists of twenty-one members elected by the Assembly for a duration of five years, with a provision for re-election. It should be noted here that the Commission is viewed as an important organ of the OAU, hence it is the Assembly of the Heads of State and Government, and not the subordinate Council of Ministers or the Secretariat that must appoint members of this Commission. In electing officials, the basis for election allows the candidacy of no more than two representatives from a single state, but after the election, the final composition cannot have more than one official from each state. Having been elected, members cannot be

removed from office, except by a vote of two-thirds majority of the total members of the Assembly. Here again, it should be noticed how difficult it is to remove a member from the Commission. A consensus of two-thirds majority is not easy to be obtained in an Assembly where leaders have diversified political views and where more often than not, on certain issues, their only agreement is not to agree. To make a complicated removal procedure more complicated, before a member is replaced, it must be proved that he is either incompetent or that he is guilty of a certain misconduct. Members of the Commission are barred from receiving or seeking instructions from any member state and are also protected by the privileges and immunities.

The Commission is placed under a bureau composed of a president and two vice presidents, who are elected by the Assembly from among the members of the Commission. These top officials are the only fulltime members. The remaining eighteen are called only when necessary. The seat of the Commission is in Addis Ababa. It is important and necessary to note that the Commission is not a permanent body but a panel of judges and other experts who are "activated when disputes are brought to it for settlement."³⁵

The parties involved in a dispute can select from among the twenty-two members those they wish to hear their case. Of course, the large number of Commission members makes it possible for several groups to be established simultaneously to

³⁵Ibid., p. 177.

deal with several disputes.

The Commission's area of operation is limited to disputes between member states and has very little to do with a conflict between a state and the OAU. Notwithstanding the number of judges it is comprised of, the Commission cannot interpret the Charter of the OAU. That is the duty of the Assembly. Neither can it serve as an advisory body for the OAU; nor can it give its opinion on legal matters concerning the OAU.³⁶

For a dispute to be heard before the Commission, it must be put forward by one or more parties; by the Council of Ministers or even the Assembly of Heads of State and Government. Should one of the parties refuse to give in to the authority of the Commission, the Commission's Bureau may refer the matter to the Council of Ministers. However, should one of the parties continue to be adamant, arrogant and unyielding, there is nothing the Commission and OAU can do, for when framing the Protocol of the Commission, it was agreed that the Commission's authority would be optional and not compulsory.³⁷

On the other hand when there is an agreement or when the parties consent to the authority of the Commission, the mode of settlement is next decided. The normal procedure is that the parties, together with the Commission choose the working method and rules of procedure. The members of the Commission, endowed with diplomatic privileges and immunities, have a free hand in

³⁶Ibid.

³⁷Ibid., p. 178.

conducting investigations and other findings to get the facts brought before it. Let us now specifically examine the three branches of the Protocol.

The President of the Commission, with the consent of the parties, together with one or more mediators chosen from the Commission could introduce the mediation. Article XXI of the Protocol spells out clearly that:

The role of the mediator shall be confined to reconciling the views and claims of the parties. The mediator shall make written proposals to the parties as expeditiously as possible. If the means of reconciliation proposed by the mediator are accepted, they shall become the basis of a protocol of arrangement between the parties.

Therefore, the primary task of the mediator is to try to reconcile the various views and claims of both parties, mainly by way of giving confidential pieces of advice and recommendations to the parties. No procedural rules are followed.

However, sometimes, and especially when diplomatic relations have been broken, the method of Good Office, which consists of a third state, an international organization or even an individual or a number of individuals are employed to bring disputing parties together for negotiation.³⁸ It should be noted, as Dr. Zdenek points out, that "Good Offices do not involve any active assistance in reaching a settlement apart from re-establishing contact between the disputants."³⁹

There is an upward trend in the use of mediators as

³⁸ Zdenek Cervenka, O.A.U. and Its Charter, pp. 87-88.

³⁹ Ibid., p. 88.

the best possible solution. The Africans are great respecters of elders as well as noble members in their communities. More often than not, in the event of a quarrel, an elder's judgment solves the problem. That is why on state level too, the OAU has repeatedly made use of the services of the influential and often elder statesmen. Usually, these leaders are able moderates, who have over long years been drenched by torrents of political problems, but who stood the test of torture. However, the complexity of modern problems and foreign interventions, plus the fact that states are beginning to feel secure, make it increasingly difficult for negotiators to produce tangible results.

Articles XXII and XXIII of the Protocol describes the procedures, while Article XXIV explains the duty of the Commission of Conciliation. Under Article XXII the dispute to be settled could be submitted to the Commission through a petition forwarded to the President of the Board of Conciliation by one or more of the disputants. When the President receives the petition, after he has secured the agreement of the parties, he sets up a Board of Conciliators, of which he appoints three members while each party appoints one. The Chairman of the Board, who must be among the five board members, is chosen by the President. Article XXIII specifies that no two members from the country sit on the Board.

The duty of the Commission of Conciliation, as succinctly explained in Article XXIV is to: "Clarify the issues in dispute and to endeavor to bring about an agreement between

the parties upon mutually accepted terms." If there is no agreement between the parties, the Board is empowered to determine its own procedure. Article XXV makes it clear that the parties could be represented by agents to act as go-betweens. They may also be assisted by counsels and experts and other persons who may be of help. At the end of the hearings the Board writes a report indicating the success or failures of its endeavour. The report is forwarded to the President of the Commission, with the approval of the parties it may be made public.

As elaborate as it is, the Commission of Conciliation is hardly used and has never settled a dispute.

Essentially, the most distinguishable features of the Commission of Arbitration are: (1) it is a court which bases its fuling on international law, (2) the conclusions of the Arbitration Tribunal are binding. Article XXVII of the Protocol stipulates the establishment of the Arbitral Tribunal in the following manner:

1. The provision of arbitration by each party-from the members of the Commission
2. A third person chosen from the Commission, with the consent of the two arbitrators is made of the Chairman of the Tribunal.
3. Should the two arbitrators fail to agree on the choice of the person to chair the tribunal, the Bureau shall appoint one.

It is specifically stated that the arbitrators shall not be the nationals of the disputing parties, neither should they have lived in or been employed in those countries.

Having agreed on this selection procedure, and believing that recourse to arbitration is a submission in good faith, the

parties are bound to accept the outcome of the arbitration proceedings. This stand is made clear in Article XXIX which states that: The parties shall in each case, conclude a compromise which shall specify: (a) The undertaking of the parties to go to arbitration and to accept as legally binding, the decision of the Tribunal, (b) the subject matter of the controversy, and (c) the seat of the Tribunal. In any case, in the event there is no compromise as stipulated by Article XXIX, Article XXX rules that:

. . . that Arbitral Tribunal shall decide the dispute according to treaties concluded between parties, international law, the Charter of the Organization of African Unity and Charter of the United Nations

Like the Commission of Conciliation, disputes are hardly referred to the Commission on Arbitration.

The Weakness of the Charters of the Organization
of African Unity and the Commission of
Mediation, Conciliation and Arbitration

The apparent inability of the OAU to solve Africa's political problems has been laid at the foot of its Charter and its Commission created for the sole purpose of settling disputes. The OAU Charter, in the view of Dr. Kwame Nkrumah, was "one of intent" and not of "positive action."⁴⁰ This may be interpreted to mean that the Charter and the apparatus for settling disputes lacked the force to ensure that things were done.⁴¹

⁴⁰Kwame Nkrumah, Revolutionary Path, p. 249.

⁴¹Kwame Nkrumah, Ghana, The Autobiography of Kwame Nkrumah (New York: International Publishers, 1976), pp. 110-122.

He also maintains that the differences among the African leaders led to the drafting of a compromising Charter that failed to provide what was really needed. He insisted that:

The nature of the embryonic institutions provided for in the Charter, and the lack of provision for an All-African High Command to give teeth to the Organization, meant that the OAU suffered from the start inherent weakness.⁴²

Though it was intended to create peace among member states, the non-interference clause in Article III of the OAU Charter has instead helped to create more problems at worst, or at best helped to hinder peace and good will. The concept of "none-interference" needed a clear and less ambiguous definition. It is true that the ideas and intentions expressed in its principle are good and sound. It was intended to enhance mutual trust as well as healthy relations among members; it was inserted to make sure one country or those powerful African states should leave the less fortunate and weak ones alone, but as Mr. Vincent B. Thompson comments: "It inhibits states from pronouncing on actions by individual states which some members consider detrimental to the good of the continent."⁴³ The Charter, according to him failed to establish which issue might cease to be a domestic and which may necessitate Pan-African intervention. The murder of Mr. Patrice Lumumba, the first Prime Minister of Congo Kinshasa (Zaire) offers an eloquent example of the above. In March 1963, Dr. Kwame Nkrumah,

⁴²Kwame Nkrumah, Revolutionary Path, p. 250.

⁴³Vincent Thompson, Africa and Unity: The Evolution of Pan-Africanism (London: Longman Group, Ltd., 1973), p. 186.

President of the Republic of Ghana, on behalf of the Ghanian government, requested that the United Nations hold a public hearing on the Security Council's 1961 Special Report concerning the death of Lumumba. In that report, Moise Tshombe of Katanga and ex-President Joseph Kasavubu of the Central government were implicated. But, Mr. Adoula, the Prime Minister at the time, on behalf of his government vehemently protested and accused Ghana of an "inadmissible infringement of the sovereignty of Congo."⁴⁴ With an apology, Ghana had to give up the request.

The Nigeria-Biafra war provided another problem created as a result of the non-interference principle of Article III of the OAU Charter. The Federal Military Government of Nigeria, armed with this non-interference verse of the OAU Bible, claimed that the war was an internal matter to be solved by Nigeria alone, and welcomed no one to interfere, except of course on its side to keep "Nigeria One." The Ibos who founded the state of Biafra, claimed their rights to be independent, citing history, human rights and the untold sufferings of the Ibos as reasons for their right to be free from Nigeria's domination. Zambia, Gabon, Ivory Coast and Tanzania, agreed with Biafra and recognized it as an independent state; the other OAU members either remained neutral or supported the Federal Military Government. What a dilemma created by the OAU itself!

The OAU Charter is also silent on human rights violations on the continent. At the time when the Charter was

⁴⁴Ibid.

drafted, and even up to this date, there were scores of political prisoners languishing in jails, prisons and other underground confinement where cruelty is beyond description in some African countries. The Charter made no provisions to check disputes between them and their governments.

Mr. George Githu, a prominent Kenyan journalist gives a picture of the flagrant inhumanity of certain African leaders who cannot be checked because to do so would mean interfering in their domestic matters. He said:

When ruling presidents enter prison cells and spit on their opponents, when others go to prison cells personally to execute their detainees, when whole ethnic groups are mercilessly decimated on spurious grounds of national security, clearly men and women of good will and conscience must ask themselves whether they ought to be in league with people whose hands are immersed in blood of innocent people, with states whose soil is replete with skeletons of people whose crime appears to be that men born of certain tribes and not others.⁴⁵

On its part the Commission of Mediation, Conciliation and Arbitration has its own draw backs. The Commission for Arbitration clearly shows this. In spite of the fact that it draws its binding conclusion on rules of international law, it is very ambiguous when it comes to defining 'award' in its ruling procedure. It is doubtful "whether the award is to be rendered by a majority vote of the arbiters;" and the Protocol does not explain "the interpretation of an award, the mode of revision of award and whether the award settles disputes

⁴⁵Quoted by Dr. Ali Masuri in his article "Rights of States or People: Where Should the O.A.U. Focus," New Africa (August 1977), p. 179.

definitely and without appeal."⁴⁶ Furthermore, there is no provision on the enforcement of the award and the Protocol fails to stipulate what would be done if a party fails to comply with the tribunal decision.

Yet another great weakness of both the Charter and Commission for settling of disputes lies in the fact that both failed to define OAU and U.N. relationship in handling African disputes. Members of the OAU also belong to the U.N.; and as members of the U.N. African countries are entitled to submit disputes to the Security Council, General Assembly, or the World Court of Justice. Somewhere along the line, it was necessary for either the OAU Charter or the Protocol to explain or indicate when and where an OAU member could take its case to the world body.

To conclude, on the failures of weaknesses of the OAU charter, there can hardly be any other suitable comments than those made by President Numeiri of Sudan, the 1979 Chairman of the Organization of African Unity, when he said: "As it stands [the OAU Charter] , it discourages any serious discussion and leaves problems for time, the great healer, to solve."⁴⁷

⁴⁶Zdenek Cervenka, The O.A.U. and Its Charter, p. 90.

⁴⁷See New Africa, No. 143, July 1979.

CHAPTER II

THE SETTLEMENT OF BORDER DISPUTES AND IRREDENTIST TERRITORIAL CLAIMS

When at least two adjacent parties have irreconcilable territorial ambitions, a boundary dispute exists.¹ It has repeatedly been mentioned that the partition of Africa during the period of its colonization has resulted in the proliferation of boundary problems facing the continent today. This is so because the present demarcations do not represent the territorial culmination of locally generated political process.² This is to say, these superimposed divisions "generate conflicts by creating a disjunction between the interaction of the socio-cultural system on one hand, and the political on the other,"³ in the areas involved.

When drafting the OAU Charter, the founding fathers were concerned with the future of African states borders. This consideration led them to include in the OAU Charter Article Three Clause Three, a pledge to respect the sovereignty and

¹Carl Widstrand, African Boundary Problems (The Scandinavian Institute of African Studies. Uppsala, 1969).

²Ravil Kapil, "On the Conflict Potential of Inherited Boundaries in Africa," World Politics (1966), p. 658.

³Ibid., p. 659.

integrity of each state and also its inalienable right to independent existence. During the heroic and unprecedented 1963 Summit Conference of the OAU, several leaders gave their views on how they felt about the boundary issues. For example, President Tsiranana of Madagascar stated that:

It is no longer possible, nor desirable, to modify the boundaries of nations, on the pretext of racial, religious, or linguistic criteria ... should we take these criteria for settling our boundaries, a few states in Africa would be blotted from the map.⁴

This view was similar to that of Ethiopia whose Prime Minister declared: "It is in the interest of all Africans now to respect the frontiers drawn on the maps, whether they are good or bad, by the former colonizers."⁵ President Modibo Keita of Mali, it seems to me, made the strongest case in favor of maintaining the status quo. He warned:

We must take Africa as it is, and we must renounce any territorial claims, if we do not wish to introduce what we might call black imperialism in Africa African Unity demands of each one of us complete respect for the legacy that we have received from the colonial system, that is to say: maintenance of the present frontiers of our respective states.⁶

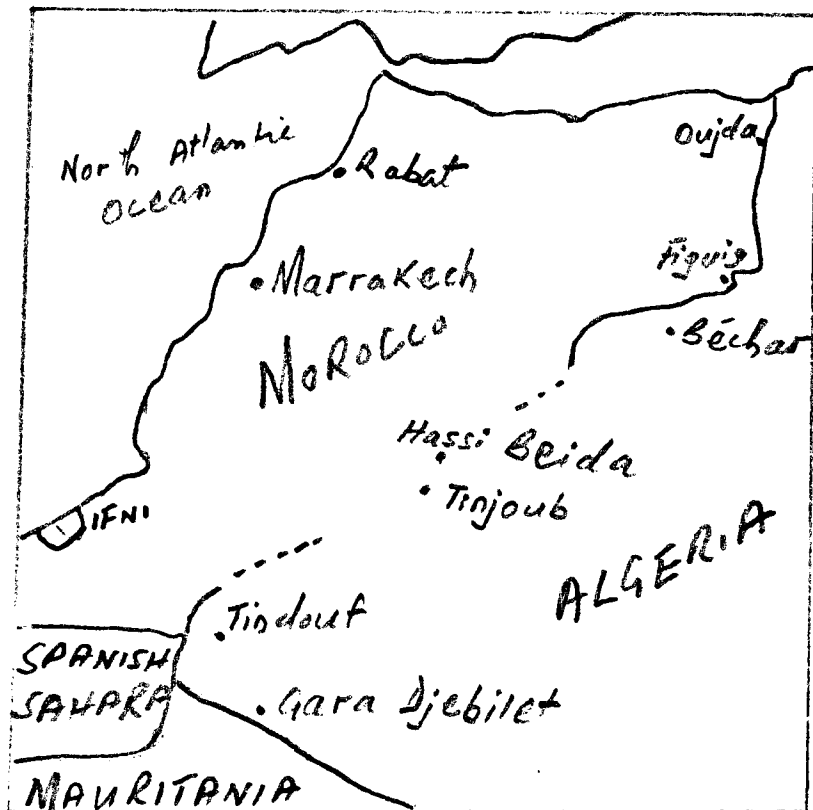
The prevailing feelings among most African leaders was to accept without alteration boundaries of their countries bequeathed by their former masters. There were a few exceptions though. Between 1957 and 1963, for example, the African labour

⁴Samuel Chime, The O.A.U. and African Boundaries, Carl Widstrand, African Boundary Problems, p. 65.

⁵Saadia Touval, The Boundary Politics of Independent Africa (Cambridge, Massachusetts: Harvard University Press, 1972, P. 84.

⁶Ibid., p. 84.

NON-BORDER BETWEEN MOROCCO AND ALGERIA



Source: Jon Woronoff, Organizing African Unity.

and political party conferences condemned the existing boundaries were obsolete and superfluous. Strong advocate of this opinion, Dr. Kwame Nkrumah of Ghana, had always viewed Africa's boundaries as impediment to African Unity.⁷ Though there had been boundary problems prior to the formation of the OAU,⁸ since 1963 the number of border disputes has increased. The first of the disputes to confront the OAU was a border conflict between Algeria and Morocco.

The Algeria-Morocco Border Dispute

Before France colonized Algeria in 1830, the Maghreb region was nominally subject to Moroccan rule.⁹ The present day Algeria and Mauritania were subject to Moroccan governors. In Morocco's long history, its rulers, the Berbers who were converted to Islam and intermarried with the Arabs, never saw the wisdom and need for an accurate delineation of the Moroccan Empire.¹⁰

But the occupation of Tlemcem in Algeria by France changed the situation. In order to repel the intruders, the Moroccans, led by Abdul El Kader, started raiding the French forces in Algeria. This was stopped in 1844 when Marshall

⁷Ibid., pp. 84-85.

⁸For example, Somali and Ethiopia since 1951, Morocco-Algeria, Morocco-Mauritania since 1956.

⁹Woronoff, Organizing African Unity, p. 337.

¹⁰Anthony Reyner, "Morocco's International Boundary: A Factual Background," in Journal of Modern African Studies, vol. 1, no. 3 (1963), p. 315.

Bugeaud defeated the Moroccan forces.¹¹ As soon as Morocco was conquered it was stripped of its outlying provinces, and made a protectorate; Algeria was made a constitutional part of France.¹²

However, the Tangiers Convention of 1844 failed to clearly define the boundary between Morocco and Algeria. It only vaguely stated that "The boundary was to remain the same as when Algeria was under Turkish domination."¹³ Even when France was in complete control of Morocco, nothing was done to clarify the boundary position. During the period of French protectorate, for example, the official position concerning the area south of the Kessours was still what was stipulated by the 1845 Treaty which stated that "The lack of water which rendered the desert inhabitable also made its delineation superfluous."¹⁴ Up to 1956 when Morocco gained independence, France was unable to produce any reliable maps showing the boundary between Morocco and Algeria. After 1956, Morocco opened negotiations with France for the settlement of the problem. As the negotiations were not producing any positive results, Morocco stopped them and opened direct negotiations with the Algerian National Liberation Front (FLN). The freedom fighters promised that full and meaningful negotiations could only be commenced after Algeria's independence.¹⁵

¹¹Ibid.

¹²Woronoff, Organizing African Unity, p. 336.

¹³Anthony Reyner, Morocco's International Boundaries, p. 317.

¹⁴Ibid.

¹⁵Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1967), p. 104.

Morocco had to wait, Morocco's dream of settling the dispute never materialized when Algeria became independent in 1962.

The refusal to negotiate the issue by the Algerians, coupled with the discovery of oil and other minerals in the disputed area, was the immediate cause of the crisis between Morocco and Algeria in 1963. On October 1, 1963, Morocco sent its troops to occupy the frontier posts of Hassi-Beida and Tinjoub which she claimed were on her side of the border.¹⁶ After one week, the Algerian forces counter attacked, dislodged the Moroccan forces and took over the posts. By October 14, 1963, full scale war had broken out along the border.

Coincidentally, Emperor Haile Selassie of Ethiopia was touring the Maghreb when the war erupted. On October 17, he rushed to Marrackech with a peace offer to King Hassan II, then flew to Algeria. He persuaded the two leaders to find a peaceful solution to the crisis.¹⁷ Morocco insisted on direct negotiations,¹⁸ but Algeria preferred the OAU intervention, arguing that Algeria cannot negotiate the border issue with Morocco because the OAU Charter called for the maintenance of territorial status quo on Africa.¹⁹

Morocco could not go along with the idea of having the OAU mediate because of the views expressed at the 1963 Addis

¹⁶Woronoff, Organizing African Unity, p. 337.

¹⁷Ibid., p. 338.

¹⁸Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1, 1967), p. 107.

¹⁹Ibid.

Adaba Summit Conference calling for the preservation of inherited colonial boundaries.²⁰ In any case, after vigorous diplomatic persuasion concerning various mediation proposals, King Hassan and Ahmed Ben Bella accepted President Modibo Keita's invitation to Bamako. The Malian President's role as a mediator was appealing to both Algeria and Morocco. President Keita shared similar ideological views with Ben Bella of Algeria, while the assumption that Mali too was dissatisfied with the Saharan borders and as a result he would be sympathetic to King Hassan's views, won him the King's respect. Emperor Haile Selassie's strong opposition to the alteration of African borders made it possible for Algeria to accept him, while his deep conservatism encouraged King Hassan to accept him.²¹

The two day meeting, lasting from October 29 and 30, 1963, succeeded in bringing the two parties to an agreement and in issuing of joint communique which contained the following main points:²²

1. Acceptance of a cease fire.
2. The creation of a demilitarized zone which limits were to be determined by a commission composed of Algerian, Moroccan and Ethiopian officers. The Malian and Ethiopian officers were to supervise the observance of the demilitarization agreement.

²⁰Ibid. When signing the OAU Charter, Morocco attached to its signature, a reservation stating that the signature should not be interpreted as a recognition of existing borders, nor as a renunciation of Morocco's rights.

²¹Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1, 1967), p. 107.

²²Ibid.

3. The ceasation of hostile propoganda and interference in the internal affairs of each other.
4. An early meeting of the OAU Council of Ministers was requested. It was hoped that the meeting of the Council of Ministers would quickly establish an arbitration commission which would be charged with:
 - (a) Ascertaining the responsibilities for the outbreak of hostilities.
 - (b) Examining the border problem and submitting recommendations to Algeria and Morocco for the settlement of the dispute.

In accordance with point four above, an extraordinary session of the OAU was convened in Addis Ababa, from 15-18 November 1963. The attendance of all thirty-two members of the organization attested to the importance of the session. The Emperor's warning at the start of the proceedings added more weight to the grave situation. He admonished: "Africa's ability to deal with her own problems, free of outside interference or influence is in the balance. Failure would deal a crippling blow"²³ The Emperor's opening remarks notwithstanding, each party stood firm on its original position, and blamed each other for the troubles. Morocco presented her case and stressed her wish to regain part of her territory France detached from her in the nineteenth century. But Bouteflika, the Algerian foreign minister, retorted and warned the Council that:

To wish to impose unilaterally the least revision of the Algerian-Moroccan border is without doubt to create

²³Woronoff, Organizing African Unity, p. 399.

a precedence or an unfortunate jurisprudence for the future of many African states.²⁴

For two days the deadlock was insurmountable. At the end of the deliberations, the Council's success seemed to be only a resolution which among other things said:

. . . the unwavering determination of the African state to always seek a peaceful and fraternal solution of all differences that may arise among them by negotiations and within the framework of the principles and the institutions prescribed by the Charter of the Organization of African Unity.²⁵

However, before the Council ended its sitting, in keeping with the Bamako rulings calling for the establishment of a commission of arbitration,²⁶ after careful selection, Ethiopia, Mali, Ivory Coast, Senegal, Sudan and Tanganyika were chosen to form an ad hoc commission. The commission's terms of reference were those of the Bamako agreement listed under item 4, a and b, above. But unlike the stipulations of the previous agreement which called for the establishment of a body of arbitration, the ad hoc commission of seven was to act only as mediators or good offices.²⁷ Both Algeria and Morocco refused to accept a binding decision on their territorial dispute.

In the meantime, while the Council of Ministers was meeting, the cease-fire commission established at Bamako

²⁴Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1, 1967), pp. 103-127.

²⁵Woronoff, Organizing African Unity, p. 341.

²⁶The Commission of Mediation, Conciliation and Arbitration had not been set up yet.

²⁷Woronoff, Organizing African Unity, p. 340.

immediately went to work to end the crisis, at least to stop the fighting. By February 20, it was successful in enforcing the withdrawal of the forces, and also defined the demilitarized zone. Its work was terminated in April.²⁸

The problems facing the OAU ad hoc commission of seven made progress extremely difficult. Dr. Woronoff's detailed account of the precarious situation is very informative. He summarizes the difficulties as follows:

In trying to settle the border dispute, the commission could not make progress either. The titles and claims of both parties were mutually exclusive. The Moroccans demanded that the French administrative measures be disregarded and that the territory taken from it by France be returned. Morocco no longer had such extensive claims as during the Muritanian conflict, limiting itself to a specific but viable area running from Figuig to the ... region of Tindout and iron mines of Gara-Djebilet Algeria, for its part, insisted that the whole area had been part of its territory at independence and demanded respect of the colonial frontiers.²⁹

The ad hoc committee met at Abidjan on December 2-6, where rules of procedure were adopted. Another meeting took place in Bamako, Mali, on December 24-26. Here the disputants submitted their cases. A report of this meeting was made to the Second Ordinary Session of the Council of Ministers sitting in Lagos in February 1964. Dr. Woronoff also points out that there was sign of progress and understanding, for in May 1964, both countries agreed to resume direct negotiations.

The Commission held other meetings in Bamako,

²⁸Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1, 1967), p. 108.

²⁹Woronoff, Organizing African Unity, p. 341.

Casablanca, Algeria and in Cairo. In the last location, it met to prepare a report to the Council of Ministers Conference. By this time, the crises were almost over. However, the development of minor problems caused the Council to recommend further sittings of the ad hoc commission.³⁰ The venues of the next rounds of talks were Khartoum, Algiers, Rabat and Nairobi. Still, by the time the Council of Ministers met in Nairobi and Accra in February 1965 and October 1965 respectively, the ad hoc commission was unable to come up with any recommendation acceptable to the two parties. Notwithstanding the failure to produce an agreement, the relationship between Morocco and Algeria was improving. In mid April 1965, prisoners of war were exchanged; by May, a joint Algerian-Moroccan committee was formed to facilitate the restoration of calm along the border.³¹ King Hassan II and Ben Bella met in Saidia, near the frontier. There the two warring leaders praised the improvement in their relations. This meeting marked the end of the dispute. On June 18, 1965, the two countries exchanged ambassadors.³²

The smooth relations were first strained by the overthrow of Ben Bella shortly after the Saidia meeting. The new regime, under the leadership of Houari Boumedienne, was more

³⁰Saadia Touval, "The O.A.U. and African Borders," in International Organization (November 1, 1967), p. 109.

³¹Woronoff, Organizing African Unity, p. 343.

³²Samuel Chime, "The O.A.U. and African Boundaries," Carl Widstrand, African Boundary Problems, p. 65. See also Woronoff, Organizing African Unity, p. 342.

radical and less conciliatory. Algeria moved its troops into the area claimed by the Moroccans, and on May 22, 1966 it nationalized the mines. The next day, as Dr. Woronoff reports, Rabat accused Algeria of occupying part of the demilitarized zone in flagrant violation of the cease-fire agreement. Tension rose high again, but this time, instead of resorting to war, Morocco dispatched envoys to Emperor Haile Selassie and President Modibo Keita who were guarantors of the settlement, and demanded an urgent meeting of the ad hoc commission.³³ The mediators acted quickly but before the ad hoc commission met in July, the crisis was over. However, the dispute continued. In the subsequent meetings of the commission, Algeria made the situation more difficult. President Boumedienne repudiated the Algerian-Moroccan agreements reached in Addis Ababa and also retracted concessions made by his predecessor.³⁴

President Boumedienne's hard line was motivated by what he thought to be the United States interference in the Maghreb. By establishment of U.S. bases in Morocco and Tunisia, President Boumedienne felt that his country's security was threatened. So, he had to reject the Moroccan and Tunisia border claims and insisted that Algerian's frontiers could not be negotiated. Finally in February 1967, Algeria stated that it would not cede an inch of its territory and would defend its borders "with

³³Woronoff, Organizing African Unity, p. 343. See also Saadia Touval, O.A.U. and African Boundaries, p. 102.

³⁴Woronoff, Organizing African Unity, p. 344.

Soviet arms," if need be.³⁵

While the OAU was able to pacify the disputants, it was not able to settle permanently the dispute between Algeria and Morocco. From 1967 on Algeria has been spending vast sums of money to strengthen its armed forces so as to defend its borders against any aggressor. This arms build up caused so much worry to Morocco that on March 2, 1967, King Hassan asked the United Nations Secretary General to dispatch a commission to North Africa "to stop the arm race."³⁶

The mediators who successfully negotiated a cease-fire during the 1963 crisis did so because King Hassan and Ben Bella were willing to listen and adhere to the OAU's authority. The big power interference was not overtly present. It is doubtful if the mediation would have been successful if Boumedienne was in power in 1963. It seems to me that the National Liberation Front of Algeria would not have taken such a hard line had it not been for the United States military moves in the region. Rightfully, Algeria had a genuine fear. The United States has been friendly to Morocco for a very long time. Its military presence in Morocco or any country in the Maghred was sympathetic to the Moroccan aspirations. Morocco's fears of an arms race in the region are also genuine. The standstill in this conflict can only be decided by the combined efforts of the big powers, military chess players, the disputants and the OAU. A

³⁵Ibid.

³⁶Ibid.

similar pattern of events is observed in the next dispute.

The Somali-Ethiopia and Somali-Kenya Border
Disputes in the Horn of Africa

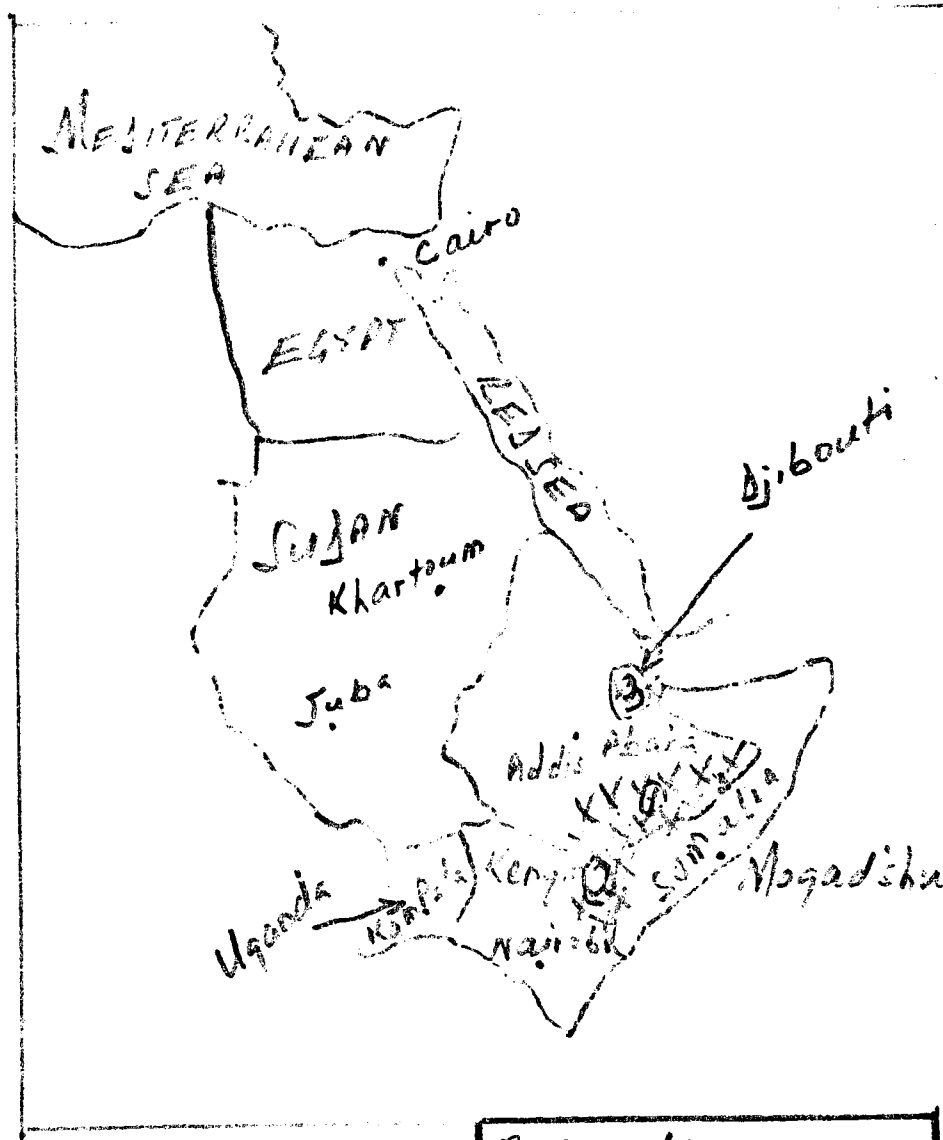
Before the nineteenth century, partition of the Horn of Arica, Ethiopia's rule, going back to the first century and the period of the Axum Empire, extended from the Shoan Plateau to the coasts of the Red Sea and Indian Ocean.³⁷

The Somalis too, mainly pastoral nomads who claim their common descent from the lineage of Prophet Mohammed, have lived undisturbed and unmolested in the Ogaden as long as the Ethiopians. They are bound together by the traditional attachment of kingship, language and religion. But the colonialist superimposed boundary between Ethiopia and the northern region of Somali Republic on one hand, and the Somali-Kenya on the other hand, divided the Somalis among Ethiopia, Somali and Kenya. Such a division of the Somali nation has been resisted by the Somali Republic. The aim of the Somalis was the creation of a greater Somali Nation-State which would place within its confines all the Somali people.³⁸ But, to realize their goal, it would have meant taking over a territory about one fifth of the area of Ethiopia and one-quarter of the area of Kenya where the

³⁷ See Mesfin Wolde Mariam, "The Background of the Ethiopian-Somali Boundary Dispute," in Journal of Modern African Studies (July 1964), pp.189-219. See also U.N. Document A/C.1/8, October 20, 1948 for a reproduction of Ethiopia's memorandum supporting its claims before the U.N. General Assembly.

³⁸ Ravil Kapil, "On the Conflict Potential of Inherited Boundaries in Africa," in World Politics (1966), p. 669.

ETHIOPIA-SOMALIA-KENYA CRISIS
IN THE HORN OF AFRICA



Source: Saadia Touval,
The Boundary Politics of
Independent Africa.

- ① Ogaden
- ② North Frontier District
- ③ Djibouti
- xxx Areas in dispute.

Somalis live outside Somalia.³⁹

To show their determination to achieve Somali reunification, the Constitution of Somali Republic called for the unification of the Somalis.⁴⁰ Furthermore, Somalia, like Morocco, refused to be bound by the OAU resolution which advocates respect of inherited boundaries. Somalia repeatedly argued and claimed that the Somalis in Kenya and Ethiopia had the right of self-determination as advocated by the U.N. Charter. On their parts, the Ethiopians and Kenyan governments retorted that "the principle of self-determination did not apply to territories within independent states"⁴¹ and moreover, that the Somalis dream was against the principles of the OAU Charter which calls for respect of inherited boundaries.

As it was expected, the relationship between Somalia and its neighbors strained soon after the Republic of Somalia was born in 1960. As agitation for reunification increased, tension also mounted along the Somali-Ethiopia border where nearly one million Somalis in Ogaden never recognized the boundary line; with their cattle they freely crossed the frontier. They resented Ethiopia's presence and occasionally raided their enemy posts.

³⁹Woronoff, *Organizing African Unity*, p. 348. See also Saadia Touval, "The O.A.U. and African Unity," in International Organization (November 1, 1967), p. 111.

⁴⁰See Article 6, Clause 4 of the 1960 Constitution of the Republic of Somalia.

⁴¹Samuel Chime, "The O.A.U. and African Boundaries," in Carl Widstrand, African Boundary Problems, p. 73.

In actual fact, the raids were conducted by Shiftas.⁴²

Soon after the OAU was formed, the Somalis submitted their problem to the organization. In May 1963, President Adden Abdulla Osman Saar of Somalia argued Somalis' case and pleaded for a reunification of the Somalis territories, adding with a warning that if unresolved the problem "will constitute a constant source of trouble in the region, and may affect adversely the friendly relations between the Somali Republic and her neighbours."⁴³

This speech brought a sharp reply from the Ethiopian Prime Minister who emphasized the wisdom of preserving the status quo and also warned that many African states will cease to exist if boundaries were redrawn for any reason.

During the 1963 May Summit Conference, Kenya was not yet independent, was represented by a delegation of the Kenya African National Union (KANU). The delegation distributed a memorandum which severely excoriated the Somalian government's support for the secession of the Somalis inhabited Northern Frontier District (NFD) from Kenya. Professor Touval asserts that the Kenyan Memorandum accused Somalia of following Tshombe's secessionist footsteps, regarded the move as tribalistic and above all as threatening the territorial integrity of all

⁴²The Shiftas were Somali nationals who mingled with the Somali nomads and then attacked the Ethiopians. To the Somalis, the Shiftas were regarded as nationalists. While Ethiopia and Kenya viewed them as bandits.

⁴³Woronoff, Organizing African Unity, p. 349.

states.⁴⁴

The failure of the OAU Summit to produce any tangible solution to settle the dispute resulted in the escalation of hostilities. To improve its armed forces (since both Ethiopia and Kenya had superior armies and equipment), Somalia first appealed to the West for military aid. Professor Saadia observes further that the United States of America, Italy, and West Germany agreed to offer ten million dollars of military aid. This offer, according to the Somalis, was too little. So, in 1963, she accepted a thirty million dollar offer by the Soviet Union. Somalia was able to expand her forces to 20,000 men and strengthened the air force as well.⁴⁵

With the feeling that they could stand up to the Ethiopians, the Shiftas escalated raids into Ethiopia, and at the same time Somalia launched an intensive propaganda campaign over the air and by the press. Both sides mobilized their regular armies and on February 7, 1964, full scale fighting started.

When fighting broke out, Somalia informed the OAU Secretariat about it. In personal messages, the Somali leader asked certain African heads of state to intervene. However, according to Professor Saadia, Somalia very much wanted the United Nations Security Council, instead of the OAU, to handle the matter.⁴⁶ On

⁴⁴Saadia Touval, The Boundary Politics of Independent Africa, p. 84.

⁴⁵Ibid., p. 147.

⁴⁶Saadia Touval, "The O.A.U. and African Boundaries," in International Organization (November 1967), p. 111.

February 9, Somalia made a formal request for an urgent meeting of the Security Council. To its disappointment, this request was not granted because the African delegates of the Security Council felt that the OAU, being an African regional organization, was best suited to handle the dispute; U. Thant, the United Nations Secretary General agreed with the Africans' views.

For her part, also on February 9, Ethiopia requested that an extraordinary session of the Council of Ministers be called to discuss Somalia's aggression. Somalia replied the following day and made a similar request and charge against Ethiopia.

In the meantime, at Tanganyika's request, an extraordinary Council of the Council of Ministers had been scheduled to meet in Dar es Salaam, Capital of Tanganyika, on February 12, 1964 to consider the situation arising from the army mutinies in East Africa.⁴⁷

When the Council met on February 12, it was only after a heated debate that the hostility taking place in the Horn was included in the agenda. As it was expected, the disputants accused each other of invasion or armed aggression, and none of them was willing to retreat. Heavy fighting continued along the Ethiopia-Somali border. After a week, both sides saw that solving the dispute by force was impracticable at the time; they gave in to peaceful means. The Council of Ministers refused to accept either version of the charges and counter-charges, but came up with no concrete solution to the dispute. All that was

⁴⁷ Ibid., p. 112.

done was to ask the disputants themselves to: Order an immediate cease-fire and to refrain from all hostile actions and stop, "all campaigning of provocation of insulting nature by all media of communications."⁴⁸ The resolution also asked African states with diplomatic or consular missions in Ethiopia and Somalia to assist in the observance of the cease-fire.⁴⁹ Later on a five nation committee was formed and ordered to monitor the situation. The cease-fire demand was obeyed. Prime Minister Ibrahim Ab-bound of Sudan arranged the truce,⁵⁰ on February 15, 1964.

But the truce was not fully observed, and as a result when the Council of Ministers met in Lagos on February 24, the problem was discussed all over again. In order to observe its compliance, Somalia insisted that observers be sent to supervise the cease-fire. Even though Nigeria, Libya, Tunisia and Congo Brazaville supported Somalia's views, Ethiopia did not favour it, and so it was dropped.⁵¹

The Somali-Kenya dispute was also discussed. The Somali representative still claimed the right of self-determination of his people living in Kenya; while the Kenyan delegate reiterated his country's stand stated previously, that the right of self-determination was inapplicable to people living in independent

⁴⁸Woronoff, Organizing African Unity, p. 351.

⁴⁹Samuel Chime, "The O.A.U. and African Boundaries," in Carl Widstrand, African Boundary Problems, p. 72.

⁵⁰Woronoff, Organizing African Unity, p. 351.

⁵¹Saadia Touval, "The O.A.U. and African Boundaries," in International Organization (November 1967), p. 114.

states.

The disputes were then referred to committees where measures to ease immediate tension were discussed. Before the council's setting ended two resolutions were passed. The one on the Ethiopia-Somalia conflict confirmed the OAU resolution passed in Dar es Salaam, and asked the two governments to observe the cease-fire as well as opening direct negotiations. Curiously enough, the solution contained a reference to "respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence,"⁵² which the Dar es Salaam declaration did not mention. How could the Somalis be asked to respect the sovereignty of Ethiopia when they wanted Ogaden which was part of Ethiopia? Of course, the Lagos resolution failed to mention sending of observers to the cease-fire zone. The resolution on the Somalia-Kenya dispute was similar to the Somalia-Ethiopia dispute.

On the whole, the Lagos Council of Ministers handled the settlement of the Horn disputes differently from its previous treatment of the Algerian-Moroccan crisis. As Professor Touval further points out, in Lagos, there was a conspicuous absence of an ad hoc commission. The failure to appoint one, Touval asserts, was probably due to "some disenchantment with the results achieved by the ad hoc commission on the Algeria-Morocco dispute."⁵³ It is true that experience is the best teacher, so the Council of

⁵²Ibid.

⁵³Ibid.

Ministers ventured to solve the new problems in a new way by letting the disputants themselves, as much as possible, try to settle their differences.

In compliance with the Lagos resolution, in March 1964, the Ethiopian and Somalis Foreign Ministers met in Khartoum. Surprisingly, this meeting was unusually successful. Despite the fact that there were repeated hostile actions along the war zone, the talks continued. On March 30, satisfactory conclusions were reached. Apart from agreeing to a cease-fire, it was also decided that troops should be withdrawn six to nine miles from the border. A joint commission to supervise the withdrawal of the forces was agreed upon. The two countries also agreed to end hostile propaganda and to continue direct talks on the border problem.⁵⁴ Though incidence of fresh fighting continued, the cease-fire was finally put into effect on April 2, and shortly afterwards, a mixed Somali-Ethiopian cease-fire commission confirmed the troop withdrawal.⁵⁵

The next round of talks between the foreign ministers of the two states took place in Cairo, in July 1964. The report of the talks and other negotiations between the two countries would have been presented to the OAU Council Ministers taking place at the same date and venue, but the internal crisis in Somali compelled the Somalis delegate to ask for a "postponement of the talks and deletion of the item concerning the Ethiopian-Somalian

⁵⁴Ibid. See also Woronoff, Organizing African Unity, p. 352.

⁵⁵Ibid.

and Somalian-Kenyan disputes from the agenda."⁵⁶

In the meantime, Ethiopia and Kenya had concluded a defense agreement. The Somalis were highly critical of it, calling that deal "a threat to the concept of African Unity" and pleaded to the OAU to "denounce such a pact,"⁵⁷ for it threatened the balance of power in Africa.⁵⁸

The Horn was still plagued by unceasing hostilities; in fact by March 1965, they had intensified to a point that Somalia had to invite the OAU Commission to investigate the situation of the Somali refugees fleeing from Ethiopia and Kenya. The OAU did not act.⁵⁹ Once more, Ethiopia and Somalia, on October 1965, agreed to continue with the establishment of a joint commission in fulfillment of the Khartoum agreement.

Somalia also tried to settle its problem with Kenya. It was Kenya that took a different kind of measure to end the dispute. First, Kenya tried to contain the Somali nomads by settling them in villages called manyattas, for the purpose of socializing them in the Kenyan society.⁶⁰ This purely political tactic aimed at cutting off contacts between the real Somalis nomads and the Shiftas. This policy failed, for the raids

⁵⁶ Saadia Touval, "The O.A.U. and African Boundaries," in International Organization (November 1967), p. 116.

⁵⁷ Ibid.

⁵⁸ Samuel Chime, "The O.A.U. and African Boundary Problems," in Carl Widstrand, African Boundary Problems, p. 73.

⁵⁹ Ibid.

⁶⁰ Woronoff, Organizing African Unity, p. 357.

continued. To put more pressure on the Somalis, in November 1963, Kenya had to sign a military defense pact with Ethiopia. That did not help the situation either.

Another major initiative to end the dispute was taken by President Julius Nyerere of Tanzania, when in December 1965, he invited the Somali leader, President Aden Abdulla Osman and President Jomo Kenyatta for a meeting in Arusha. As usual, neither party was willing to compromise, and so the conference ended in a fiasco.⁶¹

Still, peace efforts did not cease. When Mohammed Ibrahim Egal became Somali's head of State in 1967, things started to take a new turn. He was well aware of the poverty and small population of Somali and so he was eager to make peace, though, of course, not at the expense of the Somalis claim. During the Kinshasa Summit, the intervention by President Kenneth Kaunda of Zambia resulted in a major reconciliation between Somalia and Kenya. On September 13, 1967, both countries agreed to cease fighting and to resume diplomatic relations.⁶² This agreement was further incorporated into the OAU resolution on September 14, which called for respect of each others sovereignty and territorial integrity. The two countries pledged to settle their differences peacefully in keeping with the OAU

⁶¹Samuel Chime, "The O.A.U. and African Boundary Problems," in Carl Widstrand, African Boundary Problems, p. 73. See also Saadia Touval, The O.A.U. and African Boundaries, p. 117. See also Woronoff, Organizing African Unity, p. 356.

⁶²Woronoff, Organizing African Unity, p. 352.

Charter.⁶³ To crown it all, on October 28, a memorandum of understanding was signed by President Kenyatta and Prime Minister Egal at a meeting in Arusha. On February 1, 1968, the two countries exchanged ambassadors.⁶⁴

Since then, there have been sporadic hostile incidents. The situation could be likened to a volcano which every now and then emits lava, rumbles without eruption and often appears dormant, but never extinct. The OAU is like baffled scientists watching the unpredictable volcano in the Horn.

The situation in the French colony of French Somaliland impeded peace progress in the Somali-Ethiopia dispute. In 1960 the Italian and British Somalilands joined together to form the Somali Republic. French Somaliland remained under French control and rule.

This tiny territory was important to both Ethiopia and Somali. To Ethiopia, economically, it was the terminus of the Franco-Ethiopian railway. Ethnically, the Danakilis or Afars who inhabit the countryside are related to the nearby population in Ethiopia.⁶⁵ On the other hand, Somalia also had a genuine claim. First of all, the area in dispute was a third part of Somalia that was occupied by France. As the name of the territory indicates, the Somalis regarded it as part of their national patrimony. Secondly, about fifty percent of the

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Ibid.

inhabitants of the colony were Somalis.⁶⁶

The territory's issue was first brought to the OAU by way of the OAU Committee on Liberation Movements in June 1963. The Committee visited Ethiopia and Somalia to interview the nationalists leaders from the disputed territory. This Committee, according to Professor Touval, avoided taking side in the Somali-Ethiopian struggle over the territory. It was not until 1966 that conflict took a sharp turn for the worst.

In August 1966, General Charles de Gaulle visited Djibouti and promised a referendum to decide the colony's future. On September 16, 1966, the Emperor warned that: "Djibouti indisputably is ours and its people know they belong to Ethiopia."⁶⁷

At Somalia's request, the question of the colony was placed on the agenda of the Extraordinary Session of the Assembly of Heads of State and Government sitting in Addis Ababa in November 1966. The session passed a resolution calling for a fair referendum.⁶⁸ The said referendum took place in March 1967, with the Afars obtaining sixty percent of the votes. The results greatly infuriated the Somalis who protested and complained to the OAU that voting had been rigged.⁶⁹

⁶⁶Saadia Touval, The O.A.U. and African Borders, p. 118

⁶⁷Woronoff, Organizing African Unity, p. 357.

⁶⁸See O.A.U. Resolution CM/RES. 480 (XXVII) passed by the Extraordinary Session of the Assembly of Heads of State and Government in Addis Ababa on October 12, 1976.

⁶⁹Woronoff, Organizing African Unity, p. 354.

Instead of joining either Ethiopia or Somalia, the former colony changed its name to Afars and Issa and decided to have loose ties with France. With the support of the OAU, the territory became independent on June 27, 1977, and was called the Republic of Djibouti. Ethiopia welcomed the new status of the former French colony, declaring that it was "ready to safeguard the security and unity of the new state."⁷⁰

The Somalis-Ethiopia border dispute has lingered on. After the fighting and strained relations in the 1960s when no solution was found, the OAU tried again in the early 1970s. During the 1973 Summit Conference, the General Assembly appointed an eight member Good Offices Committee, chaired by General Gowon of Nigeria. The Committee held hearings at Mogadishu and Addis Ababa. The long talks with President Siyad Barre and the Emperor produced no tangible results.⁷¹

The downfall of Emperor Haile Selassie in 1974 and the subsequent rise to power of the Marxist oriented Dergue coupled with the Palace Coup which brought in the strongman, Lt. Col. Mengistu, created a confused situation in Ethiopia. The Somalis took advantage of the situation by increasing the number of raids into Ethiopia. From February 1978 on, the Shiftas raids advanced steadily. Though faced with another war with the rebels in Eritrea, Ethiopia prepared for a full scale

⁷⁰Colin Legum, ed. African Contemporary Record, New York: Africana Publishing Company, 1977-78, vol. 10, 1977-78, p. 286.

⁷¹Zdenek Cervenka and Colin Legum, "The O.A.U. in 1974," in Colin Legum, ed., African Contemporary Record (1974-1975), p. A25-26.

confrontation with the Somalis in Ogaden. By June 1978, full scale war involving the regular armies of the two countries began.

The OAU tried to intervene. On August 8, 1977 a special Mediation Commission convened in Gabon. It failed to achieve any success because Somalia walked out of the meeting. Afterwards, Ethiopia took a very hard line, declaring that "there can be no cease-fire or negotiations until the forces of aggression are completely withdrawn from Ethiopian territory."⁷² And so, the cruel war, which had turned to be a proxy-super power confrontation, with the Soviets and Cubans on the side of the Ethiopians, and the United States on Somalis's side continued.⁷³ Though Somalia lost the fight and withdrew its regular army in 1978, the Western Somalis Liberation Front (WSLF) is carrying on with the war in Ogaden.

Some Somali students who actually took part in the 1977-78 war, told the writer of how determined the Somalis freedom fighters are. They claim that the Somalis lost a battle, not a war in Ogaden, and that fighting will continue.

The Polisario Struggle in the Maghreb

The Western Sahara, the territory in dispute, was originally called "The Province of Spanish Sahara." It was a Spanish protectorate established in January 1885. It extends from Cape Blance in the South to Tarfaya in the North. It is

⁷²Colin Legum, African Contemporary Record (1977-78), p. B249.

⁷³Saadia Touval, The O.A.U. and African Borders, p. 126.

bounded on the East by the North Atlantic Ocean, North by Morocco, East by Algeria and Mauritania and South by the former state.⁷⁴

According to Professor Reyner, the region was defined for the first time by the Franco-Spanish Convention of June 1900. Further agreements between Spain and France, and particularly the secret convention of October 1904, led France to acknowledge Spain's freedom of action in the region between longitude 26° and latitude 27° 40' north. Again, the south of 26° north was defined by a Franco-Spanish Convention of 1912, as extending "from the Atlantic the border runs up to the Thalweg of the Oued Dra to its intersection with the meridian 8° 40° west, and followed this line southwards, until reach latitude 27° 40' north."⁷⁵

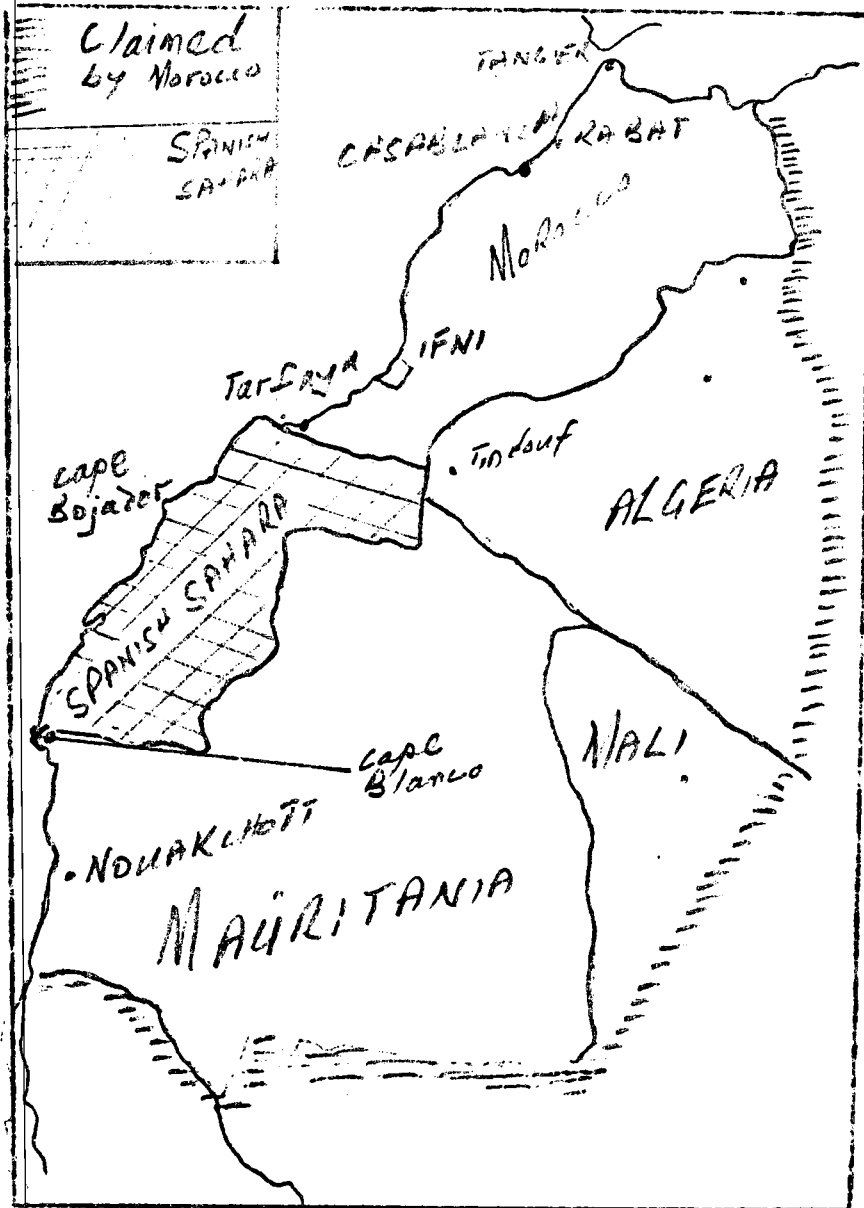
As it was in the case with Mauritania, Morocco repeatedly disavowed all Franco-Spanish arrangements and claimed that the Western Sahara's area of 102,703 square miles and its 36,000 inhabitants fell under its jurisdiction. But her claims were ineffective as long as Spain continued to administer the area.

The main event leading to the dispute in Western Sahara was the tripartite agreement between Spain, Morocco and Mauritania on November 1975, whereby Morocco and Mauritania were to take over the administration of the territory that Spain was

⁷⁴Anthony Reyner, "Morocco's International Boundary," in Journal of Modern African Studies, vol. 1, no. 3, 1963, p. 318.

⁷⁵*Ibid.*, p. 319.

GREATER MOROCCO AND SPANISH SAHARA



Source: The Geographer, U. S. Department of Labor.

about to relinquish on February 29, 1976.⁷⁶ While Morocco was to take over the northern portion, the southern part -- the Tiris el Gharbia--went to Mauritania.

The Popular Front for the Liberation of Saqueit el Hamra and Rio do Oro (Polisario), a Western Saharan indigenous liberation movement, reacted very strongly against the partition of the territory. On February 28, 1976, Polisario crossed the Rubicon and declared independence. It proclaimed:

In the name and with the help of almighty God and following the wish of the Arab people, in faithful memory of our glorious martyrs and to crown our immense sacrifice, the flag of the Sahraoui Democratic Arab Republic⁷⁷ flies over the soil of Saquiet el Hamra and Wadi Dahab.

Three days later, Burundi and Madagascar accorded recognition to the new state. Mozambique, Togo, Algeria Benin, Guinea and Vietnam did so shortly.

In order to effectively combat the Polisario, in 1977, Morocco and Mauritania signed a mutual assistance pact. This led to the creation of a Supreme Defense Council which brought the armies of the two countries under a unified command to fight the Polisario forces. Under this arrangement, by 1978, 12,000 Moroccan troops were introduced into Mauritanian territory. Part were stationed along the border with Western Sahara and the others inside the occupied territory of Tiris El Gharbia itself.⁷⁸

Intensive fighting between the combined forces of Morocco

⁷⁶Zdenek Cervenka, The Unfinished Quest for Africa and the O.A.U. (London: Julian Friedman Publishers, Ltd., 1967), p. 69.

⁷⁷Africa (April 1976), no. 56, p. 40.

⁷⁸African Diary (October 8-14), 1979, vol. XIXN, 40,P9713.

and Mauritania against Polisario has been ravaging the area almost unabated.

The OAU Initiatives to intervene in the conflict started as far back as 1975 when the Liberation Committee met at Moputo-Mozambique in January 1975. During the debate on Western Sahara, the delegates from Morocco and Mauritania argued for their territorial rights over the former protectorate of Spanish Sahara, stressing that the right to self-determination was inapplicable in the dispute territory. But Algeria speaking for the Polisario, retorted and maintained that the territory was a colony of Spain and therefore, should be decolonized as any other colony. The Committee agreed with Algeria and recommended that Polisario be recognized as an authentic liberation movement. Later on, even the U.N. supported Algeria's arrangements.⁷⁹

It was during the Port Louis-Mauritius Summit in June 1977, however, that the Polisario was fully recognized. The Summit passed a resolution giving "unconditional support to the just struggle of the Saharan people for the recovery of their national rights" and demanded:

. . . immediate withdrawal of all foreign occupation forces, and respect for the territorial integrity of the Western Sahara and the National sovereignty of the Saharan people.⁸⁰

However, the first substantial diplomatic win for the Polisario did not occur until during the OAU Summit in 1979 in

⁷⁹ Colin Legum, African Contemporary Record (1977-1978), p. B151.

⁸⁰ Colon Legum, African Contemporary Record (1977-1978), p. B151.

Monrovia. The Polisario issue was placed on the agenda and discussed thoroughly, even though King Hassan stayed at home and his foreign minister walked out of the session. The resolution that was put to vote resulted to a major victory for the Polisario. Thirty-three states, including Mauritania voted for the rights of self-determination of the Sahraoui people.

The pattern of the voting is interesting; it indicates a curious situation in the OAU Zaire and Comoros voted against. Cameroon, Djibouti, Egypt, Central African Empire, the Gambia, Sierra Leone and Tunisia abstained; Gabon, Morocco, Mauritius, Senegal, Swaziland, and Chad did not take part in the vote.

A "yes" vote by Mauritania, a former enemy of the Polisario Front, indicated what was to follow later. She was fed up with the war and was about to pull out, leaving Morocco alone to struggle with Polisario. The "no" vote by Comoros and Zaire surprised no one. The unpopular government of the Comoros Islands was brought to power by a group of French mercenaries.

The French advisers and security men of Comoros president, bearing in mind that the holding of Frenchmen hostage by the Polisario, had caused an uproar in France, could not have advised the Comoros delegate to vote yes. As for Zaire, President Mobutu, has since the Shaba incidences, been indebted to King Hassan. It was the king who sent both transport planes and military aid to Zaire to help expel the rebels in Shaba province.

It is hard to understand why Djibouti sat on the fence during the voting. She had faced the problem Polisario was facing. But if it is remembered that French forces are still

protecting Djibouti's internal security, it could be safely assumed that French connections were behind the silence.

Egypt and Tunisia did not want to take sides on an issue which concerned other members of the Arab League. Algeria and Morocco had major roles to play in the politics of Northern Africa, so Egypt and Tunisia did not vote.⁸¹

The OAU resolution favoring Polisario's right to self-determination was reinforced in November 1979 by the United Nation's Committee on Decolonization where, by a vote of eighty-three in favour, five against, the forty-three abstention, approved a resolution re-affirming the inalienable right of the people of Western Sahara to self-determination and independence.⁸²

The OAU's efforts to bring about a peaceful solution to the dispute in Western Sahara was started during the Monrovia Conference. There, a Committee of Wise Men was mandated to find a solution to the conflict in the troubled region. Members of the Committee were drawn from Nigeria, Mali, Guinea, Sudan and Tanzania. Shortly after the Monrovia Summit, acting on his capacity as co-chairman of the OAU. Subcommittee on Western Sahara, accompanied by Mr. Edem Kodjo, OAU Secretary General, and together with President Traore of Mali, General Obasanjo paid a visit to Mauritania, Morocco and Algeria. In Algeria, they met with the representatives of the Sahraoui Arab Democratic Republic, in Morocco, King Hassan did not appear to be very adamant;

⁸¹African Diary, October 8-14, p. 9714. See also New Africa (November 1979), no. 147, pp. 28-29.

⁸²New Africa (December 1979), no. 148, p. 16.

discussions with Mauritanian officials also appeared to be cordial. General Obsanajo was fairly optimistic that the dispute could be resolved peacefully.⁸³

Peace efforts have not been limited to African states only. The regime of Lt. Colonel Salek of Niger which overthrew President Mokhtar Ould Daddah, on July 10, 1979, wanted a quick solution to the border conflict. Colonel Salek's regime opened talks with President Giscard d'Estaing of France. On August 1, 1979, Morocco, Algeria, Mauritania delegates had rounds of talks with the French government. France indicated that it would study the various views including the proposals for a referendum in the Mauritanian part of the occupied territory.⁸⁴

Spain too has been contacted. For example, when General Obasanjo and his group were visiting the Maghreb leaders, the Mauritanian Prime Minister, Col. Bouceif, also left for Madrid and Paris. In Madrid he had serious talks with Mr. Adolfo Suarez, the Spanish Prime Minister, who on a recent visit to Algeria had advocated the right of self-determination to the Polisario. But this mission did not accomplish much.⁸⁵

Faced with other internal problems, such as a weak economy caused by the war, fear of "blacks right to self-determination in Southern Mauritania" which is encouraged and favored

⁸³ African Diary (July 9-15), 1979, vol. XIX, no. 28, p. 9564.

⁸⁴ See the Economist (August 12, 1978).

⁸⁵ African Dairy (July 9-15), vol. XIX, no. 28. p. 9587.

by the president of Senegal,⁸⁶ on August 5, 1979, Mauritania made peace with the Polisario and withdrew from the war. She also formally agreed to renounce her claims on part of the territory she occupied, saying: "Nouackchott has decided to withdraw completely from the unjust war of the Western Sahara."⁸⁷

King Hassan has determined and has promised never to let go "its Sahara."⁸⁸ So, the struggle in this devil's anvil of rock, sand and thorn trees continues. As it was the case in the previous disputes, all the OAU has been able to do is to discuss, pass resolutions, appoint ad hoc committees and sit back.

Big powers politics have greatly helped to worsen the situation. Morocco's dream of occupying Western Sahara has been strengthened by arms from the United States. As Robert Manning reports:⁸⁹

The Carter administration's recent move to supply Morocco's King Hassan with sophisticated anti-guerilla weapons ... has added fuel to the increasingly explosive conflict over the Western Sahara.⁹⁰

The United States Assistant Secretary of State, Harold Saunders, in justifying U.S. military aid to Morocco, was merely voicing his country's official views when he said:

⁸⁶Africa Diary, October 8-14, 1979, vol.XIX, no. 44, p. 9714. President Senghor of Senegal lashed Mauritania as 'White' Berber racialism in the Maghreb toward black population of Southern Mauritania. He is in support of blacks self-rule in Southern Mauritania.

⁸⁷Ibid.

⁸⁸New Africa (December 1979), no. 148, p. 16.

⁸⁹Ibid., p. 19.

⁹⁰Ibid.

Morocco is no longer fighting only to pacify a region it has annexed. It is also defending itself within its own territory against external attack.⁹¹

The use of American 105mm howitzers, 12.5mm guns, OV-10 armed reconnaissance planes, Vietnam-tested Cobra helicopters, F-5 jets and other sophisticated weapons supplied by the U.S. will certainly be used against the Polisario who are also armed with Soviet weapons.⁹²

To make the situation even worse, President Anwar Sadat of Egypt, has recently made it clear that he will supply military assistance to King Hassan if asked to.⁹³

Should this happen, there will be further division in the OAU. Obviously Egypt will be supported by Gabon, Zaire, Senegal and other states that have stood by King Hassan.

⁹¹Ibid.

⁹²Ibid.

⁹³African Diary, November 5-11, vol. XIX, no. 45, p. 9749.

CHAPTER III

THE SETTLEMENT OF SECESSIONIST AND SUBVERSIVE ACTIVITIES DISPUTES

Ever since the OAU came into being, it has never lacked problems to solve, or more appropriately, to attempt to solve. As it was previously observed, though the OAU did not completely settle the disputes it obviously defused some of the crises. The real tests of the Organization of African Unity came during the Nigeria Biafra War and reached its peak during the invasion of Uganda by Tanzania. Because they touched the roots of the three main principles of the OAU, these two problems almost wrecked the OAU. The principles infringed are: (1) The principles of noninterference in the internal affairs of states (Article Three, Paragraph Two). Nigeria and Sudan constantly referred to this principle when dealing with the rebels in their attempts to break away. On the other hand, the Osagyefo Nkrumah and Mwalimu Nyerere failed to pay much attention to it, (2) respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence (Article Three, Paragraph Three). Both the Biafrans and Anya-Nyas, like the Somalis, unsuccessfully tried to legitimize their peoples' right to self government. Above any other causes, between 1965 and 1979, the violation of this principle almost tore the Organization apart.

The overall aim of this chapter is to examine how the OAU handled these delicate crises; and in particular to see how Dr. Nkrumah and President Nyerere made things extremely difficult for the Organization they helped to found.

The Nigeria-Biafra Crisis, 1967-1970

No attempt will be made to give a full background to this dispute, but a summary of events leading to the breakout of hostilities will be listed in a brief chronological order.¹

January 15, 1966: The Military Coup d' etat. The Federal Prime Minister of the Republic of Nigeria, Sir. Abubaker Tafawa Balewa and two regional premiers were murdered. Major General Johnson T. U. Aguiyi-Ironsi, an Ibo, in January 16, assumed the post of Supreme Commander of armed forces and took control of the Nigerian government.

July 29, 1966: An anti-Ibo mutiny occurred. General Ironsi was killed and was succeeded by Lieutenant Colonel Yakubu Gowon, a Northerner. Lieutenant Colonel Ojukwu, an Ibo, refused to recognise the legitimacy of Gowon's action.

September 28, 1966: To revenge the deaths of Sir Abubaker, a bloody pogrom took place against the Ibos living on Northern Nigeria. Thousands of them were massacred with their properties destroyed or confiscated. Those who survived fled to Eastern Nigeria, a region they recognised as their homeland.

October 24, 1966: Colonel Odumwengu Ojukwu, Military Governor of the Eastern Region refused to attend the Constitutional Committee scheduled to take place in Lagos.

January 4-5, 1967: Members of the Supreme Military Council of Nigeria, attended by all military governors met at a neutral place, Aburi, in Ghana. The final agreement reached on the existing political

¹The chronology of events is based on Peter Schwab, ed. Biafra, pp. 1-7, and Yassin El-Ayouty, ed., The Organization of African Unity After Ten Years, pp. 152-155.

and military institutions of Nigeria was ambiguous. Later on both Colonels Ojukwu and Gowon interpreted it differently. Because of the dichotomous views of the Aburi agreement, Ojukwu made it known that he would boycott any further similar meetings until an acceptable definition of the Aburi declaration was made. But, Gowon warned that Ojukwu's stand was a menace to internal peace.

March 17, 1967: The Constitution Suspension and Modification Decree (Decree No. 8) was promulgated. It made military governors autonomous in their regions, but with the exception of the right to promulgate emergency laws which were reserved to the Head of the Federal Military Government. Colonel Ojukwu attacked the decree, calling it an obrogation of the Aburi accord.

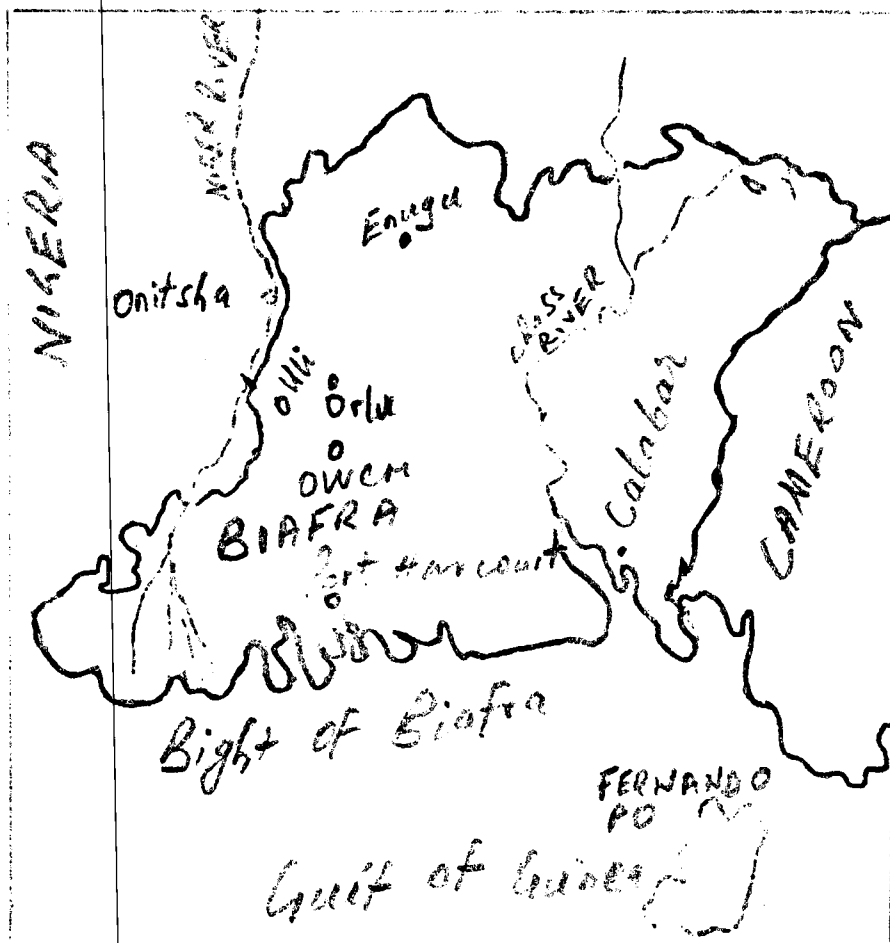
March 31, 1967: Colonel Ojukwu ordered all tax revenues paid in the Eastern Region to be paid directly to the Regional government. Colonel Gowon regarded this action as illegal and unconstitutional and acted swiftly.

April 4-5 and 11, 1967: Nigerian Airways stopped flights to the Eastern Region. This led Colonel Ojukwu to call upon all Easterners living outside the region to return home. The situation deteriorated further when Gowon also screwed the economic knots by asking the Central Bank in Lagos to block the transfer of foreign currency to Eastern Region; and finally, economic blockade was imposed on Eastern Region.

May 27, 1967: The barometer of war fever was rising dangerously. Colonel Gowon, with a new rank of Major-General assumed full powers as Commander in Chief of all armed forces and became Head of the Federal Military Government. He declared a state of emergency throughout the country and put the army at alert.

May 30, 1967: The Eastern Region seceded from Nigeria. The Republic of Biafra was born. The writer remembered that bright morning when the Biafra leader, over Radio Biafra, Enugu, gave a marathon emotional declaration of independence speech. Even in Cameroon, among the Nigerian population, the atmosphere was equally tense. The Ibos rejoiced as Colonel Okukwu blasted Gowon over the air of Radio Biafra. But hatred by other Nigerians against the Ibos could easily be read on their faces. For his part, Major-General Gowon quickened the general mobilization and promised to crush Ojukwu's rebellion. He sternly

REPUBLIC OF BIAFRA



Source: Peter Schabed: Biafra.

warned all nations to keep clear of the internal affairs of Nigeria and to respect its territorial integrity.

July 6, 1967: Fighting between the Nigerian Federal Army and that of Biafra started. The civil war was on. Notwithstanding Major-General Gowon's warning that no party should interfere in the civil war, a couple of motives necessitated the OAU's interventions in the long run.²

The first reason for the OAU intervention was that the war was fast becoming an international confrontation, especially among the big powers. The Federal Military Government was furnished with huge amounts of arms, including aircrafts and heavy artillery by Britain, the Soviet Union, Czechoslovakia, Egypt and others, while the People's Republic of China (Peking), the Republic of South Africa, France, Portugal and Israel, supplied arms to Biafra.

Secondly, four African states accorded recognition to the rebels, so, Biafra had in a way gained status of a number of an international community.

Thirdly, the economic blockade of Biafra and the devastating war caused massive starvation and sickness in Biafra; world-wide campaigns to save the children in the breakaway state was launched by charitable organizations. The Organization of African Unity could not avoid intervening.

Lastly, but far from being the least, another reason which impelled the OAU's action was the presence of foreign military observers whose purpose was to investigate genocide

²The summary of these motives is based on Zdenek Cervenka, The O.A.U. and Its Charter, pp. 193-194. See also Peter Schwab, Biafra, p. 1.

charges made by Biafra. The presence of these observers, it could be argued, had in all practical purposes turned the crises from an internal affair to one that called for the world's attention. James Mayall rightly contends that the "scale of suffering and foreign interventions necessitated the right of the OAU to interest itself in the outcome of the conflict."³

When fighting between the Nigerian and Biafra armies erupted on June 6, 1967, it was not until two months later that the OAU considered it necessary to intervene in the crisis. The reasons for the delay are not far fetched. Some OAU members, remembering the hard times faced by the organization in solving the previous political disputes, were in no hurry to rush into this one. Some countries took seriously General Gowon's warning that the crisis was a purely domestic affair of Nigeria. Again in keeping with the OAU principle of noninterference in the internal affairs of another state, the OAU members felt it was better to wait and watch the development.

The first real peace talks were started by the head of the Roman Catholic church, the Pope. A great majority of the Christians in Biafra were Roman Catholics, so the Vatican lost no time intervening on behalf of its followers. On December 22nd, Pope Paul VI, sent two emissaries to Lagos. The papal envoys, Msgrs. Dominic Conway of Ireland and Georges Rocheau of France, on December 23, 1967 presented the Pope's peace proposals to

³See The Year Book of World Affairs, 1973, p. 130.

General Gowon.⁴ Later, the emissaries also held talks with Colonel Ojukwu in Umuahia, Biafra, on February 9, 1968. In the meantime, the Nigerian Transport Minister, Mr. Joseph Tarka also visited Pope Paul VI and on February 2, presented to General Gowon, additional peace messages from the Vatican. There was no breakthrough in these negotiations as the Biafrans stood firm on their desire to be independent. Gowon could not listen to any proposal which would not "keep Nigerians one."

The first OAU initiative in tackling the crisis was made during the Kinshasa summit in 1967. Though the Council of Ministers which preceded the Assembly of Heads of State and Government did not place the issue on the OAU agenda,⁵ the African leaders could not overlook the situation. Dr. Nnamdi Azikiwe the former symbolic Nigerian President, who had joined the Biafran course, led the Biafran delegation. In vain, he tried to explain the Biafran course in order to win the sympathy and understanding of the African leaders.

The Assembly, at the end of deliberations adopted a carefully drafted resolution which avoided creating the impression that the OAU was interfering in the internal affairs of Nigeria. As a matter of fact, the resolution was a clear victory for Nigeria. It said in part:

The Assembly condemning every act of sucession in any member state, recognizing that this is an internal

⁴See Peter Schwab, Biafra (New York: A Facts on File Publication, 1977), p. 29. Aee also Woronoff, Organizing African Unity, p. 490.

⁵Zdenek Cervenka, The O.A.U. and Its Charter, p. 195.

matter to be solved by the Nigerians themselves, and re-affirming its faith and confidence in the federal government of Nigeria ... resolves to send to the head of the federal government of Nigeria a Consultative Mission consisting of six heads of state in order to assure him of the Assembly's desire to safeguard the territorial integrity, unity, and peace of Nigeria.⁶

The Consultative Mission, which later became known as the Consultative Committee composed of leaders of Cameroon, Congo, Kinshasa, Ethiopia, Ghana, Liberia and Niger.

The choice of the Committee members was carefully considered. Apart from being its Eastern next door neighbor, Cameroon, especially the Southwest and Northwestern provinces, had large number of Ibo businessmen who controlled a good portion of trade in Cameroon. Again, the Muslim population in Northern Cameroon is closely related to that of Northern Nigeria. Above all, the Cameroonian President Ahidjo is a moderate who is highly respected in Africa. As for Niger, its economic interests were at stake in the Nigerian crisis. Being a land locked country, Niger depended on Nigerian Railways for transporting its products to the sea and also for its imports from overseas. Its population too, like that of Northern Cameroon shares the same religion with Northern Nigeria. Emperor Haile Selassie, the ever present peacemaker in African political disputes, and President Tubman of Liberia, were highly rated elderstatesmen, as well as pillars of the OAU. The choice of General Joseph Ankra to serve on the Committee came as a

⁶Ibid., p. 196. See also Peter Schwab, Biafra, p. 26. See also Yassin El-Ayouty, The O.A.U. After Ten Years, p. 156.

result of the respect he commanded to both General Gowon and the Biafran leader. It was General Ankra who arranged the Aburi meeting in January 1967. His presence, it was hoped could have positive reaction by the belligerents. Lastly, Congo-Kinshasa was chosen to serve on the committee most probably because it had gone through the fire of a civil war, and a similar crisis during Tshombe's Katanga secessionist attempts. The composition of the committee without any shade of doubt was a balanced one that was capable of untying the intricate and slippery diplomatic knots.

Instead of going to Lagos immediately the Committee waited for six weeks, and when it finally convened on November 23, 1967 it was told by General Gowon that the Nigerian crisis was "a purely domestic affair, and in accordance with the OAU resolution, your mission is not here to mediate."⁷ Of course, the Committee agreed and at the end of its visit, it issued the following Communique:

The O.A.U. Consultative Mission ... held consultations with Major-General Yakubo Gowon, Head of the Federal Military Government of Nigeria yesterday, pursuant to the resolution on the Nigerian situation adopted at the fourth session of the O.A.U. Summit Conference in Kinshasa on September 16, 1967. The Mission reaffirmed the decision of the O.A.U. Summit embodied in its resolution condemning all secessionist attempts in Nigeria. The Mission also reaffirmed that any solution of the Nigerian crisis must be on the context of reserving the unity and territorial integrity of Nigeria The O.A.U. Consultative Mission agreed that, as a basis for a return to peace and normal conditions in Nigeria, the secessionists should renounce secession and accept the present administrative structure of the Federal Military

⁷ Zdenek Cervenka, The O.A.U. and Its Charter, p. 197.

Government's terms for the cessation of military operation. The O.A.U. Consultative Mission agree that The Secessionist should renounce secession and accept the administrative set up of the Federation of Nigeria⁸

Certainly the communique's framers bore in mind Article Three, paragraphs two and three of the OAU Charter, but by failing to consider Biafra's side of the dispute, the Mission was overlooking the communique's impact on paragraph four of the above mentioned article. In order to settle a dispute peacefully the peacemaker must be able to deal with all the parties concerned in a manner that one party should not be placed at a disadvantaged position. In other words, outright condemnation of one party only hardens its resolve to be adamant, thereby making peaceful settlements extremely difficult, if not impossible. On the other side of the coin, as Mayall also points out, the African leaders would not have done otherwise. Secession is a very serious political threat to most African states.⁹ It must be strongly resisted, attacked and condemned where and when it tries to occur. As the official broadcast by Radio Biafra, Enugu rightly commented, some OAU members, in siding with Nigeria's position, acted with the knowledge that their own countries may also be faced with a similar situation if they favored Biafra's course. Mr. Mayall said the same thing when

⁸Ibid., p. 198.

⁹James Mayall, "The African Unity and the O.A.U.: The Place of Political Myth on African Diplomacy," in The Year Book of World Affairs, 1973, p. 130.

¹⁰Zdeneck Cervenka, in El-Ayouty, ed., The O.A.U. After Ten Years, p. 157.

he contended that "the fear that by conceding the demands of any group for self-determination would open a Pandora's box by disgruntled minorities elsewhere"¹¹

For siding with Nigeria, Biafra condemned the partiality of the African organization. The war was still on, ravaging and destroying not only the soldiers in the battle fronts, but the innocent civilians. In any case, considering its hostile attitudes towards its course the Biafrans were willing to accept other mediations, outside the OAU; hence it accepted the mediation offered by the British Commonwealth Secretariat.

The Kampala Peace Talks, May 1968

After the usual preliminary behind the scenes diplomatic formalities, the Biafran delegation led by Sir Louis Mbateno and that of Nigeria headed by the hard liner Chief Enahoro convened in Kampala, Uganda. The conference opened on May 23, 1968.

President Milton Obote of Uganda opened the talks and appealed for good will and fruitful discussions. A nasty incident at the commencement of the talks indicated an evil omen for the Kampala talks. Mr. Johnson Banjo, a member of the Nigerian delegation disappeared and was never seen or heard of again. When tempers cooled after the uproar caused by Banjo's disappearance the talks started. Nigeria and Biafra could not agree on the main issue-secession. Each stood firmly on its

¹¹James Mayall, The Year Book of World Affairs, 1973, p. 130.

demand; a compromise on even a cease-fire was impossible to reach. On May 31, Sir Louis Mbateno declared that:

The Biafran delegation does not see that any useful purpose can be served in Kampala while more lives are daily lost in this gruesome war, and Biafran delegation is going home.¹²

And it went home.

The gruesome war continued and before long, started to turn adversely against the Biafrans. Though he had promised to ignore the OAU, the appalling conditions of the Biafran population forced Colonel Ojukwu to accept another OAU mediation offer.

The Niamey Talks, July 15-19, 1968

African leaders could not stay aloof and watch indifferently the war doily taking countless lives. So, Emperor Haile Selassie revived the work of the OAU Consultative Committee on Nigeria. The Committee met on July 15 in Niamey and invited both General Gowon and Colonel Ojukwu; both accepted the invitation. Points to be discussed were "relief supplies for the needy and a permanent settlement of the crisis."¹³

General Gowon first addressed the Committee. He rejected a cease-fire agreement, arguing that it would only make it easier and possible for the Biafrans to rearm themselves and have a breathing space. A cease-fire was possible, he said only

¹²Zdenek Cervenka, The O.A.U. and Its Charter, p. 203.

¹³Woronoff, Organizing African Unity, p. 419.

if the rebels renounced their secession.¹⁴ Regarding the relief supply issue, General Gowon agreed to the creation of 'mercy corridor' to enable charitable organizations to distribute relief supplies to the war affected victims in Biafra.

Colonel Ojukwu for his part, on July 19, demanded a cease-fire, troop withdrawal and an end to the blockade. In view of the fact that both parties held their grounds and stuck to their original demand, no tangible achievements were made before the meeting ended on July 26. However, it was agreed that peace negotiations should be continued in Addis Ababa, on August 5, 1968.

The Addis Ababa Peace Negotiations
August-September 1968

The delegations sent by the disputants made the outcome of the negotiations a foregone conclusion. The hard liners representing Biafra and Nigeria were like bringing together a hungry lion and tiger to peacefully settle a dispute concerning the sharing of the carcass of a deer.

General Gowon did not even bother to attend; he decided to send not the diplomatic Chief Awolowo but the inflexible Chief Enahoro. On the part of Biafra, instead of Sir Louis Mbateno, Colonel Ojukwu himself led the delegation. Nigeria warned that the conference was the last chance of peace. In presenting his case, Chief Enahoro intimated that the settlement was to be based on the territorial integrity and security

¹⁴Zdenek Cervenka, The O.A.U. and Its Charter, p. 207.

of Nigeria, as was the consent of the Niamey plan. This implied that the talks were to aim at bringing the former Eastern Nigeria back into the federation. Chief Enahoro's point of view was unacceptable to Biafra. In his two and half hours marathon speech, Colonel Ojukwu said just the opposite of what the Nigerian delegate had stressed. The Biafran leader's speech was essentially a review of his "country's" course of action. Starting from the reasons for Biafra's secession he went into great detail and described the atrocities committed against his people. The massacres in the North, the genocide by the Nigerian armed forces during the war; he denounced the Federal Military Government army as well as its supporters. He even alleged that General Ironsi was murdered by General Gowon. The conclusion of the speech indicated the Biafran's unyielding stand:

Our survival cannot be separated from the sovereign independence of our state. No one who has studied the past contribution of our people to the cause of African freedom and unity can doubt our awareness of the need for the whole of Africa to unite. Nevertheless, we have learnt by bitter experience that unity must come in stages through cooperation and mutual understanding In fulfillment of that purpose we offer to discuss with Nigeria the closest form of association which does not detract us from our right to ensure security at home and abroad.¹⁵

Colonel Ojukwu's speech so stung Chief Enahoro that the latter in very strong terms denounced it, and refused to see the Biafran leader. Leaving behind Dr. Eni Njoka to lead the Biafran contingent in the already fouled atmosphere, Ojukwu

¹⁵ Peter Schwab, Biafra, pp. 63-64. See also Woronoff, Organizing African Unity, p. 422. See also Zdenek Cervenka, The O.A.U. and Its Charter, p. 211.

hurried home. Though the talks continued, it was only too obvious that no concrete agreement could be reached. On August 7, the Nigerian delegation put forward a nine point plan, which among others included the disarming of the Biafran forces, police control of the breakaway region and a promise of not rushing in troops into Biafra. The Biafrans not only rejected the Nigerian proposal but tabled their seven point peace plan calling for an independent Biafra with close economic ties to Nigeria, cease-fire, and so on.¹⁶ As gasoline and water cannot mix, so too was it impossible, despite every effort by the Emperor, to get Nigeria and Biafra to see eye to eye. Despite the set backs on disagreements over the main issue of ending hostilities, agreement was reached on the relief supplies issue.

The Algiers OAU Summit, September 1968

When the Heads of State and Government landed in Algiers for their yearly gathering, it was clear that the Nigerian crisis would be the hot issue. And so it was. The leaders of the four states that had recognised Biafra¹⁷ showed up. President Nyerere and his three other colleagues had to defend their motives for according diplomatic recognition to the breakaway state. To ward off accusations that by recognising Biafra, Tanzania, Zambia, Gabon and Ivory Coast were

¹⁶Peter Schwab, Biafra, p. 16. See also Woronoff, Organizing African Unity, p. 423.

¹⁷Tanzania, April 13, Gabon, May 8, Ivory Coast May 14 and Zambia May 20.

sowing seeds of discord and impeding African Unity, President Nyerere and Houphouet Biogny made it abundantly clear that the recognition of Biafra posed no danger to African Unity. Nyerere philosophically argued that:

Unity can only be based on general consent of the people involved. The people must feel that this state, or this Union is theirs and they must be willing to have their quarrels in that context We in this country believe that unity which serves the people and which is freely determined upon by the people It seemed to us that by refusing to recognise that existence of Biafra we were tacitly supporting a war against the people of Eastern Nigeria—and a war conducted in the name of Unity.¹⁸

President Houphouet-Biogny, maintaining views similar to those of Nyerere had earlier explained why he recognised Biafra by saying:

Unity is the fruit of the common will to live together, it should not be imposed by force by one group upon another. If we are all in agreement in the O.A.U. in recognising the imperious necessity of Unity, Unity as the ideal framework for the full development of the African man, we also admit that it should not become his grave.¹⁹

President Nyerere and Houphouet-Boigny's thesis that unification could be possible through separation, and free will of the people ignores practical political history. History does not give many important examples of a union which came about as a result of the various peoples in the domain agreeing to unite freely. On the contrary, there are scores of examples where

¹⁸ Julius Nyerere, "Why We Recognised Biafra." See The Observer, London, April 26, 1968.

¹⁹ Afriques Express (Brussels), vol. 8, no. 161, May 25, 1968, p. 7 Houphouet-Biogny speech on why he recognised Biafra.

force was employed in order to bring about unification. For example, Germany was unified by the Iron Chancellor, Von Otto Bismarch by blood and iron, in 1870, not by separatist policies but by annexing or incorporating the hundreds of German independent states.²⁰ From the small Muscovia state in the thirteenth and fourteenth centuries, through annexation, subjugation and conquest the Soviet Union has grown to its present gargantuan size. So, the unification through separation thesis could be demolished without much ado.

The Assembly of Heads of State and Government meeting at the Clud des Pins Algiers were unsympathetic to Biafra's independence course. To make matters worse for the "Ibo's country," the United Nations Secretary-General, U. Thant, who also addressed the OAU Summit sided African leaders.²¹ The resolution adopted by the Assembly on September 15, urged the OAU and U.N. members to "refrain from only action detrimental to the peace, unity and territorial integrity of Nigeria ...,"²² in keeping with the Kinshasa resolution.

The imminent defeat of Biafra did not deter her on September 17, from attacking virorously the OAU resolution. Radio Biafra declared that:

We want the O.A.U. to know ... no force can stifle Biafra's aspiration to be sovereign and free

²⁰Shepard B. Clough, Nina Garsonian and Co., A History of the Western World (Boston: D.C. Heath and Co., 1964), p. 1043.

²¹El-Ayouty, The O.A.U. After Ten Years, p. 172.

²²See O.A.U. Document No. AHG/Res. 51 (VI), 1967.

The O.A.U. must live up to its responsibility and prevent itself from being misled by individuals who know to confuse religious and racial fanaticism with African nationalism.²³

The war continued with no change in either Nigerian or Biafran view points. The last OAU Consultative Committee meeting in Monrovia in April 1969 failed to break through the deadlock. The OAU Summit Conference in Addis Ababa in September 1969 produced no solution either. In its resolution on the crisis, the Assembly simply reiterated what the previous resolutions had called for, that is, unity of Nigeria.²⁴

Biafra's endeavours to let Switzerland, Austria, Sweden and Yugoslavia, instead of the OAU intervene, produced no positive results. The end of 1969 also marked the decline of Biafra's will to resist. The moral of the army fell, soldiers deserted, the last strong hold of Biafra, Uli airstrip was about to fall. These realities compelled the last Biafra Cabinet meeting on January 10, 1970. After appointing General Philip Effiong to act for him General Ojukwu said he was leaving Biafra in "search of peace." In actual fact, Ojukwu had seen that the rebellion was over. The Biafran Council of War had on the same day rejected the hope of a guerilla confrontation,²⁵ so Ojukwu, fearing capture, sought to escape to Ivory Coast. Incidentally, he was the last Biafran officer to use the

²³Peter Schwab, Biafra, p. 72.

²⁴O.A.U. Document AHG/Res. 58 (VI), 1969.

²⁵Woronoff, Organizing African Unity, p. 432.

only remaining airstrip, for shortly after he took off at 3:00 a.m., January 11, the Nigerian air force Illyushin-28 bombers piloted by Egyptians, pounded it into rubbles.²⁶ General Effiong's unconditional surrender on January 12, 1970 was therefore inevitable. In his surrender statement General Effiong said he had ordered his forces to disengage and give themselves up to the Nigerian commanders; he called for immediate cease-fire and above all he finally agreed to do what his predecessor had adamantly refused to do, to negotiate a peace settlement on the basis of the OAU recommendations.²⁷

The Nigeria-Biafra crisis was the greatest challenge the OAU had faced so far. This challenge, however, had both negative and positive effects. On the negative sheet, the conflict created a problem among the founding members. The Presidents of Zambia and Tanzania, who had been very active in seeking a peaceful solution to the crisis in the Horn of Africa and Maghreb, suddenly became associated with the evil force of secessionism which the other African leaders dreaded. On the positive note, in searching for a peaceful settlement in the Nigerian Civil War, the OAU stuck to its first resolution made during the Kinshasa Summit in 1967, namely, the condemnation and denunciation of any acts of secession and the recognition that the crisis was an internal affair of Nigeria. The fact that only four OAU member states accorded diplomatic recognition

²⁶Ibid. See also Peter Schwab, Biafra, p. 116.

²⁷Peter Schwab, Biafra, p. 117.

to Biafra was an indication that the majority of African countries stood firmly behind their regional organization. As it was shown above, even the defiant Biafrans finally acknowledged the authority of the OAU.

In trying to bring about a peaceful end to the crisis on the basis of an African framework which calls for the exclusion of external interference, the OAU endeavours were impeded by forces outside its control. Britain, Soviet Union, Israel, South Africa, Egypt, Portugal and many other countries saw the civil war as a God sent opportunity to market their overstock piles of weapons of destruction. Added to this was the part played by foreign soldiers of fortune. The white mercenaries, for example those from Britain and France fought on both sides of the war.²⁸ Such a proliferation of international intervention hardly created a diplomatic atmosphere suitable for peaceful negotiations.

Many people will agree that the tireless Emperor and the Consultative Committee did everything possible in their numerous attempts to resolve this crisis peacefully. If this conflict is viewed through the lenses of similar political problems world wide, for example, President Samozza's struggles with the rebels in Nicaragua, it would be realized that even the Organization of American States, with the powerful military muscle of the United States, could not settle the disputes quickly and peacefully. In the same way, the North Atlantic

²⁸Ibid., p. 39.

Treaty Organization too has been unable to bring an end to the crisis in Northern Ireland. The OAU is plagued by the same impotent malady which affects other regional organizations, be they in the Americas or in Europe.

Sudan: The Anya-Nya Secessionist Rebellion

My aim for including the Anya-Nya uprising is to: (1) Show the intransigence and refute the claims of some OAU members who said they recognised Biafra mainly on humanitarian grounds. If the suffering of a group of people, in this case the Ibos, could influence the infringement of the OAU Charter, the blacks of Southern Sudan too would have received the same attention as the Ibos. (2) Show that while paying much attention to the border disputes in the Horn and Maghreb, as well as the Nigerian crisis, the OAU grossly failed to alleviate the sufferings of the Negroes in the South, imposed upon them by the Northerners.

For seventeen years, between 1955 and 1972 the Republic of Sudan experienced a secessionist rebellion comparable only to that which engulfed Nigeria between 1967 and 1970. But unlike the Biafran struggle which received much attention, not only in Africa but the world at large, the Anya-Nya's ordeal was ignored. It was ignored in the sense that neither Africa-states nor other agencies pressured the Khartoum government into bringing a quick settlement to a conflict which had ravaged the South.²⁹

²⁹Woronoff, Organizing African Unity, pl 616.

There are conflicting accounts as to what actually originated the crisis. One version of the genesis of the confrontation points to the British policy of developing Southern Sudan separately from the North.³⁰ According to this view, while the North was being developed politically, educationally and economically, the South was neglected. As a result when independence came, the Southerners could not be fully integrated into the mainstream of national activities.

Others³¹ dispute the above view and see the cause as a gradual sequence of events arising from the mistrust and hatred of the Sudanese Muslims dating back to the slavery era when Egyptians and Northern Sudanese raided Southern Sudan for the purpose of capturing slaves. The Southern Policy, the British administrative device whereby the region was governed separately and differently from the North, according to this view, afforded the Negroes an opportunity to fully develop their independence consciousness. If the Southerners had harboured such feelings against the Northerners, it was logical for them to conclude that the disturbances of 1955 were merely another indication of the Northerners malice against them. Secession was, in their view point, the only legitimate solution.

³⁰This is the view of many Northerners. It is eloquently put forward by Mansour Khalid in his article, "The Southern Sudan and its African Implication," in El-Ayouty, The O.A.U. After Ten Years, pp. ;94; 175. See also Bershir Mohamed Omer entire book, The Sudan: A Background to Conflict.

³¹Oliver Albino and Robert O. Collins works, A Southern View Point, and The Sudan in Historical Perspectives, respectively, give good account of this view.

The incidence of August 19, 1955 at Torit in Equatoria Province was the immediate cause of the crisis. This unfortunate happening occurred when the Sudanese army and police were ordered to open fire against African labour demonstrators. But instead of obeying the orders, the soldiers and non-commissioned officers of the Equatorial Corps of the Sudan Defense Force mutinied. The rebellion quickly spread to Upper Nile Province and within a couple of days, pro-Southern army elements seized control of the South.³²

Though calm was restored through a fairly moderate treatment of the rebels, the mutiny was not completely crushed.³³ It surfaced seriously again in 1963 in opposition to the policy of Islamisation and Arabization enforced since 1957.³⁴ The Southerners were outraged by the 1958 speech of Ali Abdel Rahman, then Minister of Interior, when he said in Parliament, "The Sudan is an integral part of the Arab world Anybody dissenting from this view must quit the country."³⁵ However, it was not until 1961 when the African resentment against the Northerners reached its peak. While in exile in the Belgian Congo, in 1961, William Deng, a Dinka, founded the Sudan African

³²David Mc. McClintock, "The Southern Sudan Problem Evolution of An Arab-African Confrontation," in The Middle East Journal, vol. 24, no. 4 (1970), p. 466.

³³Woronoff, Organising African Unity, p. 119

³⁴David Roden, "Peace Bring Sudan New Hopes and Massive Problems," in Africa Report, vol. 17 (June 1972), p. 14.

³⁵Colin Legum, ed., Africa Contemporary Record, vol. 4 1971-1972.

National Union (SANU) and shortly afterwards another movement known as Anya-Nya³⁶ came into being. The latter movement, under the leadership of the self titled Field Marshal Lutuda, killed sixty-four Northerners on November 30, 1963.³⁷ The Central government reacted immediately by attacking not only the rebels strongholds but the civilian population as well. By February 1964, it was estimated that at least one-third of the Sudanese army was confronting the two thousand Anya-Nya forces.³⁸

Fierce fighting between the Anya-Nya and the Sudanese regular army was taking place at the same time that the Accra OAU Summit of 1965 was meeting. Using the OAU Summit as a venue through which they could inform the African leaders about what was going on, the Southerners sent a very detailed memorandum to the African Heads of State and Government. In its inductory letter the document appealed for urgent intervention by the OAU, described in detail the cruel sufferings imposed on the Negroes and gave a synoptic account of every aspect of the Negroes life in the Sudan. Surprisingly enough, the Assembly did not consider the memorandum nor the crisis in Sudan.

The tense atmosphere and the fact that most African

³⁶ Anya-Nya is a name of native concoction of Cobra Poison.

³⁷ David Wm. McClintock, "The Southern Sudan Problem," in The Middle East Journal, vol. 24, no. 4 (1970), pp. 468-469.

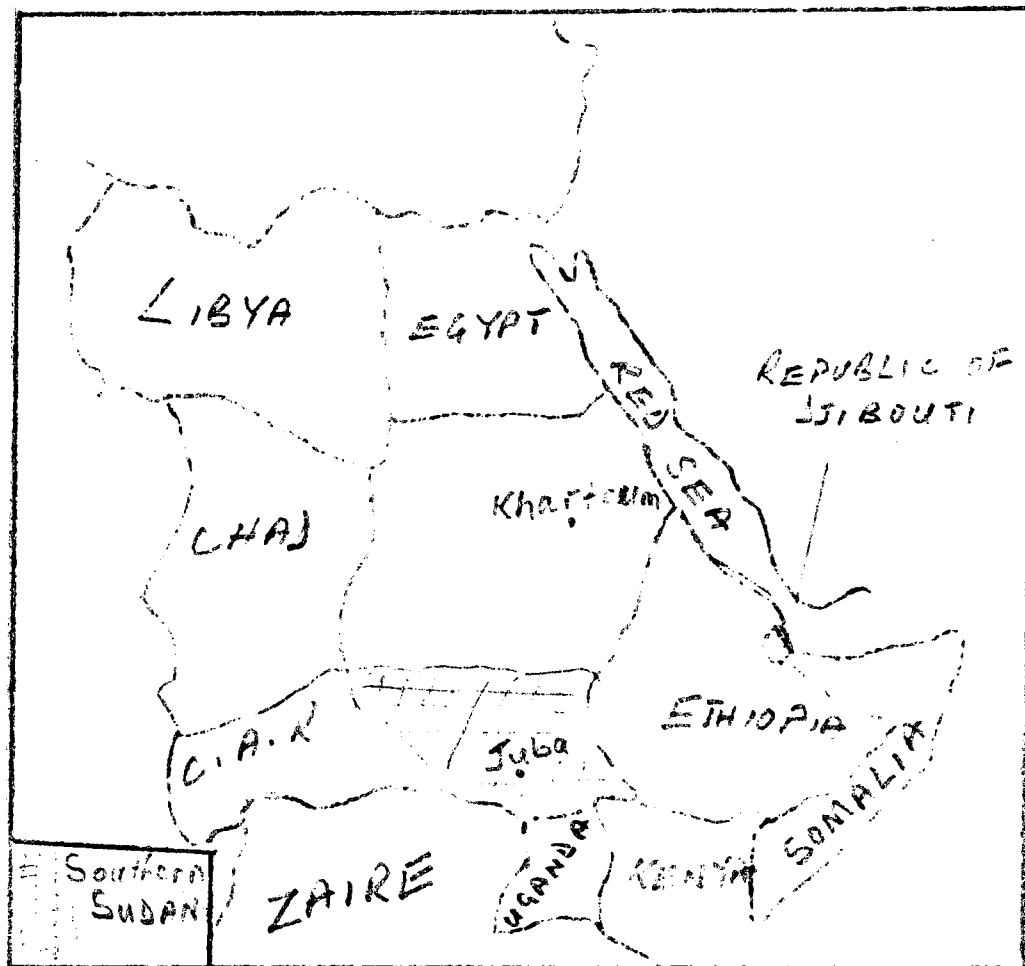
³⁸ See New York Times 6:3 (February 28, 1964).

leaders did not attend the Accra Summit probably accounted for the indifference to the situation in Sudan. Vocal and vociferous leaders like Nkrumah and Nyerere who would have under normal circumstances commented on the Anya-Nya predicaments, had enough worries already. The Ghanaian leader had only recently promised not to interfere in the internal problems of Niger, Ivory Coast and the neighboring Francophone states. Nyerere could not bring up the matter because he was still defending his humiliating action when he asked Britain, and not the OAU member states to send troops to thwart army mutiny which took place in Tanganyika in 1964.

Sudan's neighbours were no doubt sympathetic to the rebels. But fear of reprisals dissuaded them from openly supporting the Anya-Nya secessionist move.³⁹ Ethiopia could not have supported the rebels in Sudan because she was having enough problems with the Somalis and Eritreans, Congo Kinshasa had her own trouble in Katanga province and President Jomo Kenyatta and his Kenyan government were busy worrying over the Somali claims to the Northern Frontiers District of Kenya; Central Africa Republic and Chad also had too much to think about in connection to their minority problems. Uganda was unwilling to be engaged in a bitter confrontation with Sudan during the Accra Summit. Sudan's Northern neighbours were Arabs and Muslims who were obviously sympathetic to Numeiri and so could

³⁹ Peter K. Bechtold, Politics in the Sudan, Parliamentary and Military Rule in an Emerging African Nation (New York: Praeger Publishers, 1976), p. 96.

THE ANYA-NYA REBELS TERRITORY
OF SOUTHERN SUDAN



Source: Saadia Touval, The Boundary Politics of Independent Africa.

not raise the issue.

This is not to say that Sudan's neighbours did not indirectly lend support to the Anya-Nyas. Uganda and Congo Kinshasa did give limited support to the rebels. But Sudan counteracted by aiding the rebels of those countries. For example, between 1964 and 1965, the Khartoum government of Sirr el Khatim el Khaligan shipped weapons to Christopher Abenye's Congolese Liberation Army.⁴⁰ The arms shipment only stopped when it was discovered that the Anya-Nya were intercepting some of the weapons and used them against the Sudanese armed forces.

Before General Grafar al Numeiri came to power on May 25, 1969, the Anya-Nyas had specifically asked certain heads of states including President Nyerere to intervene.

However, one question needs to be answered. If the four leaders, including President Nyerere, who recognised Biafra did so on humanitarian grounds, why could they not have done the same to the Southern Sudanese whose fate was very similar to that of Biafra? The best answer to this question, it seems to me, is the one given by Professor David Johns. He maintains that Tanzania's decision to recognise Biafra was an error.⁴¹ To support the claims that President Nyerere's action was a mistaken one, Professor Johns comments:

⁴⁰Ibid., p. 56.

⁴¹Professor David H. Johns, "The Foreign Policy of Tanzania," in Olajide, ed., The Foreign Policies of African States (London: Hoder and Stoughton, 1977), p. 215.

Certainly it seemed at variance with ... statements for African Unity and opposed to secession, as in the Katanga episode. It was also at odds with the seemingly irrevocable commitment which Tanganyika and Zanzibar had made when they merged and which Nyerere had repeatedly said Kenya, Uganda and Tanzania would have made if they established a federation. Furthermore, Nyerere's 1967 speech on African Unity had been interpreted as explicitly rejecting any possibility of recognition of Eastern Nigeria if it seceded.⁴²

The 'humanitarian' considerations could therefore be discounted.

At any rate, when General Numeiri came to power, he promised to solve the crisis by giving the Southerners the autonomous state they had earlier wanted. But, he failed to implement this action until in September after he had regained power following his overthrow in an abortive coup. The foiled communist coup of January 1971 accelerated peace efforts.⁴³ If he had to survive, it was of urgent necessity that President Numeiri looked for a quick and lasting solution to the Southern problem.

So, from May 1971 on, secret negotiations between the North and the secessionist South started in all earnest. Despite the war, through the good offices of the World Council of Churches, the United Nations High Commission for Refugees, and Emperor Haile Selassie, the talks progressed successfully.⁴⁴ The peace talks culminated in February 1972 with the signing

⁴²Ibid.

⁴³France Mading Deng, African of Two Worlds: The Dinka in the Afro-Sudan (New York: Yale Press, 1978), p. 163.

⁴⁴Edgar O'Ballance, The Secret War in the Sudan 1955-1972 (London: Faber and Faber, Ltd., 1977), p. 142. See also John Howell, "Politics in the Sudan," in African Affairs, vol. 72, no. 287 (April 1973). See also France M. Deng, African of Two Worlds, p. 143.

of the Addis Ababa Peace Accord. The agreement was ratified in Addis Ababa on March 22, 1972.⁴⁵ Among other things the Peace Accord called for the creation of a single self-governing region out of the three provinces in the South, High Executive Council of twelve administrators to govern the region and the creation of a national army of 12,000, composed of both Northerners and Southerners, to be stationed in the region. The agreement also stipulated that the national government was to be in charge of defense, foreign affairs, immigration matters, foreign trade, currency and other functions vital to the security of the Democratic Republic of Sudan. The regional government was to take care of those duties that were not assigned to the national government.⁴⁶

The Peace Agreement received mixed responses. On the part of the Northerners, Major-General Khalid Abbas, the Defense Minister, Major Zeid, Secretary General of the Sudanese Socialist Party, and the Chief of Staff of the Sudanese army all resigned in disgust and protest against the signing of the agreement which they claimed was a sell out to the rebelling Southerners. On the Anya-Nya side, Gordon Moya, leader of the National Liberation Front living in exile in Zaire denounced the pact as "an Arab fraud agreed to by Southern delegates representing only themselves," but Major General Lagu, leader

⁴⁵ Ibid. See also Harold S. Nelson, ed., Area Handbook for the Democratic Republic of Sudan (Washington, D. C.: U. S. Government Press, 1973), p. 190.

⁴⁶ Ibid.

of Southern Sudanese Liberation Force (SSLF) was satisfied with the agreement, and claimed that "it would be supported by the Anya-Nya leaders too,"⁴⁷ The OAU was too happy to endorse the peaceful settlement agreement.⁴⁸

Subversive Activities Disputes

The cancer of political subversive activities had existed in Africa even before the foundation of the OAU. Between 1960 and 1965, it was Ghana that was guilty of political sabotage of other governments. The assassination of President Sylvanus Olympio outside the United States Embassy in Lome sparked the first major outcry of the Osagyefo's subversive activities.

The OAU first attempt to tackle the problem of political subversion in Africa took place in Lagos, before the Accra Summit Conference of 1965. As it would be elaborated later on in this chapter, not every country was satisfied with Ghana's pledge to put an end to harbouring subversive elements. So, the presidents of the Ivory Coast, Upper Volta, Dahomey (now Benin), Niger and Togo boycotted the Accra Summit. The 1978 OAU Summit in Khartoum, Sudan, touched on a delicate point which resulted to a hullabaloo. The mentioning of the names of leaders implicated in subversive activities caused the pandemonium. President Mathieu Kerekou took the bull by the horns and openingly

⁴⁷O'Ballance, The Secret War in the Sudan, p. 143.

⁴⁸Zdenek Cervenka and Colin Legum, "The Organization of African Unity in 1972," in African Contemporary Record, 1972-1973, vol. 5, p. A47.

called the Gabonese leader by name and also implicated Morocco for the January 16, 1977 mercenary invasion of Cotonou, capital of Benin. Finally, 1979 witnessed an unprecedented event when one OAU member state invaded another, overthrew its legitimate ruler and replaced him for another of its choice.

My aim in this section is to show how the OAU was able to settle subversive problems caused by two of its founding members and strong supporters of African Unity.

In order to secure the independence of their countries the OAU founding fathers included in the OAU Charter the principles of noninterference in the internal affairs of states as well as unreserved condemnation in all its forms of political subversive activities on member states, or another state. However, these principles have not been strictly adhered to.

Dr. Nkrumah's Subversive Activities

For Dr. Nkrumah, any obstacle standing in the way of the formation of an African Union Government was an impediment to the progress of the continent. The Francophone African states, by virtues of their close attachments to France were considered a stumbling block to ending imperialism and its new form of neo-colonialism. The best way of getting rid of those uncooperative leaders, Ghana believed, was to overthrow their unprogressive governments and have them replaced with those headed by men of action. In trying to implement this policy, Ghana ran into troubles. The late Prime Minister of Nigeria, Sir Tafawa Balewa summarized Ghana's indictment as follows:

. . . Ghana has become the headquarters of subversives against African states; that Ghana had established training camps for subversive elements from African states; and that Ghana provided very generously every possible facility to dissident elements from African states to overthrow the legitimate governments of their home countries; and finally that opposition elements from African states were being sent to train abroad and they were returning to training camps in Ghana to further their subversive interests.⁴⁹

Though far off African countries were affected, the immediate neighbours of Ghana felt the pinch more. For example, Ivory Coast, Ghana's Western neighbour had its dissident Sanwi tribesmen trained in Ghana where they plotted to assassinate Houphouet Biogny in September 1963.⁵⁰ Upper Volta also felt the pinch. When the attempts to develop closer cooperation between Ghana and Upper Volta were foiled in 1961, the strained relationship between the two countries led to the border dispute in the Spring of 1963. This eventually led to the takeover of the disputed territory by Ghana. Ghana's relationship with Niger and Togo were more explosive. The latter resulted in the death of President Sylvanus Olympio while tension in the former which started in 1959 reached its crisis stage in 1965, when President Hamani Dieri narrowly escaped death.⁵¹

The Kwame Nkrumah's Institute in Winneba was the hatching ground and training center for freedom fighters. Here, the

⁴⁹El-Ayouty, The O.A.U. After Ten Years, pp. 24-25.

⁵⁰Woronoff, Organising African Unity, p. 389. See also William Zartman, "The Politics of Boundaries in North and West Africa," in Journal of African History, vol. 7, no. 2 (1966), p. 167.

⁵¹Woronoff, Organising African Unity, p. 390.

Chinese, Cubans and other socialist countries trained African students in guerilla warfare and other sciences of political sabotage.⁵²

The Osagyefo Dr. Nkrumah was well aware of the ill feelings against him in person and Ghana in general. So, to placate Ivory Coast, Niger, Cameroon and any other states on November 16, 1964, he sent letters to their leaders assuring them that the refugees creating troubles would leave Ghana.⁵³

Ghana did not live up to her promise, the trouble-makers still remained in the country. As a sign of protest and revenge the fourteen nations OCAM Heads of State met in Abidjan and decided, on May 26, 1965, to boycott the Accra OAU Summit which was due in July. Prime minister, Sir. A. T. Balewa and the nominal President Azikiwe of Nigeria intervened to avert the threat of not showing up in Accra. An extraordinary session of the Council of Ministers was convened in Lagos.

The Fifth Extraordinary Session of the Council of Ministers which met on June 10-13, 1965 was marked by the delivery of emotional speeches decrying Ghana's role in subversive activities. Delegates from the affected French speaking states testified and exposed Dr. Nkrumah's covery activities against their respective states. Ghana's

⁵²Ibid., p. 389. See also El-Ayouty, O.A.U. After Ten Years, p. 27.

⁵³

El-Ayouty, The O.A.U. After Ten Years, p. 26.

representatives also strongly defended his country's decision to harbour political refugees.

One political refugee of importance who was the main cause of the conflict between Niger and Ghana, should be mentioned. Mr. Djibou Bakary was once the Prime Minister of Niger. His opposition against the French referendum of 1958 led to his overthrow. He sought political asylum in Ghana. To regain power Mr. Djibou Barkary encouraged revolutionary activities in Niger. With his base in Ghana, his commandos raided several towns in Niger. Ghana argued that the terrorists did not necessarily come from Ghana since it was obvious that the deposed prime minister and supporters in his country of origin. Furthermore, Ghana's Foreign Minister asserted that:

No country can, on very serious grounds, refuse to accept people who for one reason or the other disagree with their government and therefore decide to leave their country.⁵⁵

Ghana refused to admit guilt but agreed to send away the undesirable refugees who were plotting to overthrow their governments.

The council was satisfied with the compromise and accepted Ghana's invitation to host the OAU Summit in Accra. To make sure that the venue had adequate security for the African leaders, the Council of Ministers decided to send the OAU Secretary-General, Dialle Telli, as well as Mr. Joseph Murumbi, who chaired the Lagos meeting to Ghana for a fact

⁵⁴Ibid., pp. 28-29.

⁵⁵Ibid., p. 29.

finding mission. Also, in order to reassure the fearful Francophone leaders, Dr. Nkrumah flew to Bamake to meet some of the OCAM countries leaders who were meeting there. His mission failed.

To Nkrumah's dismay, when the OAU Summit met, his sumptuous and costly state house received only thirteen Heads of State and Government. In all, of the thirty-six members of the OAU only twenty-eight showed up. Eight of the OCAM states, Chad, Dahomey, Gabon, Ivory Coast, Malagasy, Niger, Togo and Upper Volta refused to send delegates.⁵⁶

The problem of subversion in Africa was included in the agenda of the OAU Assembly in Accra on October 21-25, 1965. The phenomena of political interference among OAU members, was not limited to Ghana alone; it was taking place all over African from the Horn to the Maghreb as well as Southern Africa. After examining the issue, the Assembly formulated a "Declaration on the Problem of Subversive" by which the African leaders solemnly promised:

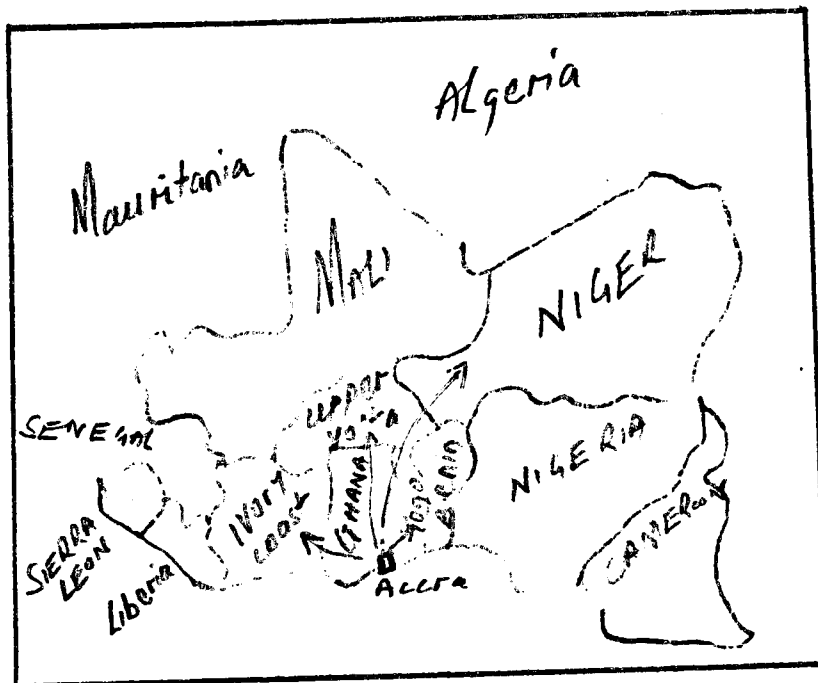
... not to tolerate ... any subversion originating in our countries against another member state of the Organization of African Unity ... not create dissension within or among member states by formenting or aggravating racial, religious, linguistic, ethnic or other differences ... refrain from conducting any press or radio campaign against African states.⁵⁷

The overthrow of Dr. Nkrumah on February 24, 1966, ironically while he was away in Peking to seek a peaceful end

⁵⁶Woronoff, Organising African Unity, p. 391.

⁵⁷Ibid.

THE SUBVERSIVE ARMS OF GHANA UNDER DR. NKRUMAH



to the war in Vietnam, resulted in a remarkable change in relationship between Ghana and its neighbours. The new Ghanaian government declared that President Nkrumah was responsible for the past disputes that engulfed Ghana and her neighbours, and promised to hold talks aimed at restoring good relations. In 1966, the disputes between Niger, Upper Volta, and Ivory Coast were settled;⁵⁸ the OAU was not directly involved in the settlements.

In conclusion, the role of the OAU insolving the Osagyefe's subversive activities was to encourage direct talks between Ghana and the states concerned. This was clearly seen in the case of the conflict between Upper Volta and Ghana where during the Cairo OAU Summit, the Heads of State and Government passed a resolution recommending that Ghana and Upper Volta:

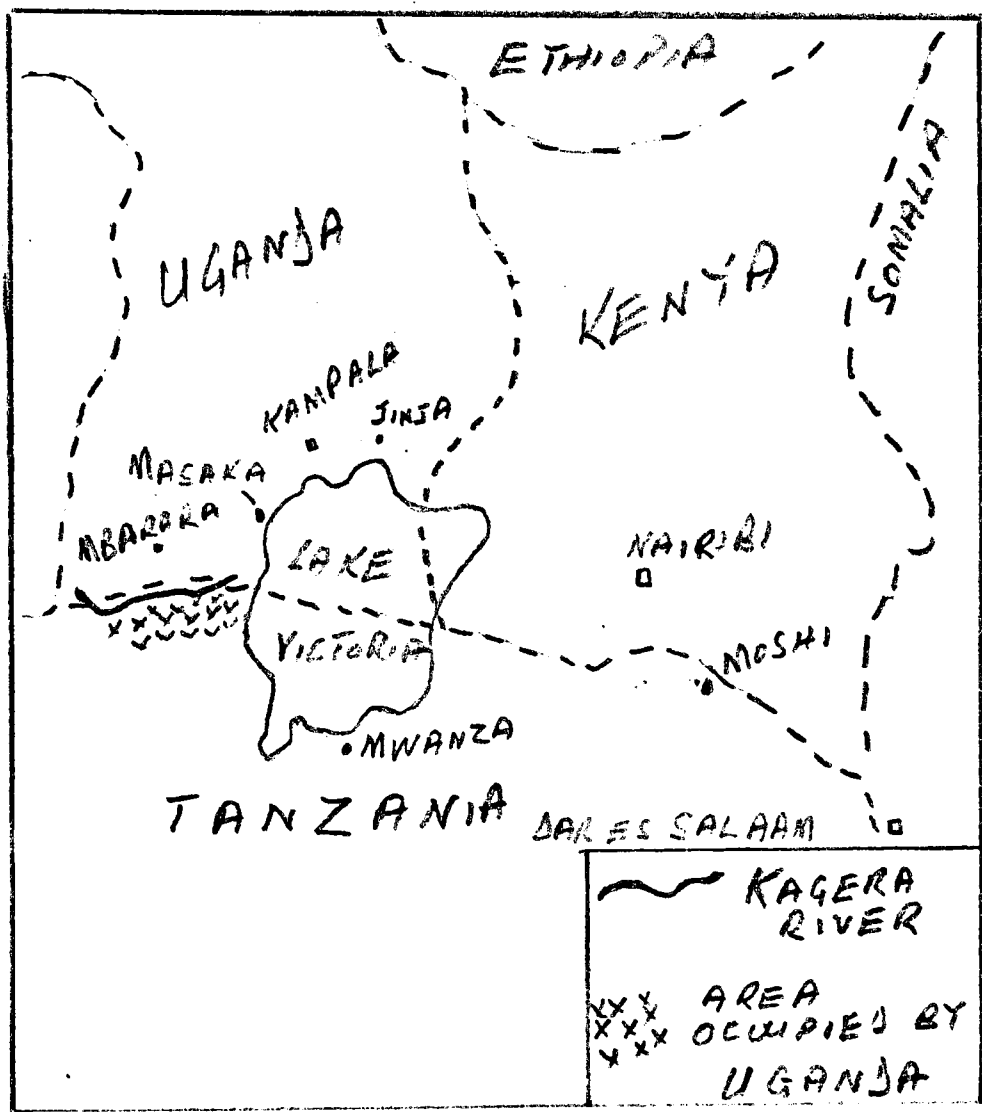
. . . hold direct discussions with a view of finding a mutually acceptable solution . . . on the basis of the statement made by the Representative of Ghana at the Third Ordinary Session of the Council of Ministers.⁵⁹

Even before Nkrumah was overthrown peace talks had started between Ghana and Upper Volta; Ghana had promised to withdraw from the disputed territory. Had there not been great pressure put by the OAU particularly before the Accra conference of 1956, Nkrumah would not have promised curtailing subversive activities. The end of the Osagyefe's subversive work in 1966 was followed five years later by the opening of subversive

⁵⁸Saadia Touval, "The Organization of African Unity and African Borders," International Organization, vol. 1 (1967), p. 122.

⁵⁹O.A.U. Document, AHG/Res. 19(1), 1964.

TANZANIAN INVASION OF UGANDA



Source: Good's World Atlas, 14th ed.

activities by the Mwalimu Dr. Julius K. Nyerere, the Nkrumah of East Africa.

The Mwalimu Dr. Nyerere's Subversive Activities

This section will deal mainly with the Tanzanian-Ugandan crisis. My aim here is to show that the OAU was incapable of curbing subversive activities of President Nyerere, one of the pillars of the Organization of African Unity.

Relations between Tanzania and Uganda took a sharp turn for the worst when General Idi Amin toppled Dr. Obote in a military coup in 1971. The deposed leader was given political asylum in Tanzania where Dr. Nyerere continued to regard him as Uganda's head of state. Obote's supporters and rebel exiles in Tanzania quickly came together and started launching attacks against Uganda from Tanzania. Professor David Johns⁶⁰ observes that Dr. Nyerere's personal hatred for Major General Amin, and his warm friendship with Obote were responsible for the tension between Tanzania and the new regime in Uganda.

The 1971-1972 crisis between the two East African countries received prompt intervention by Somalia in 1972. During the tenth anniversary OAU Summit in Addis Ababa, Emperor Haile Selassie joined Somalia in reconciling the disputants.⁶¹

Though Emperor Haile Selassie helped to settle the 1971-

⁶⁰Professor David Johns, "The Foreign Policy of Tanzania," in Olajide Aluke, The Foreign Policies of African States, p. 210.

⁶¹Ibid.

1972 crisis,⁶² relationship between the two countries never showed remarkable improvement. The rebels continued to regroup and solidify their aims of overthrowing Amin's regime; Obote also increased his verbal and written attacks on Amin.⁶³

The tension that had been mounting over the year reached its boiling point on October 11, 1978 when the Ugandan rebels from Tanzania invaded the Ugandan town of Mbarara, West of Lake Victoria; the same town that was attacked during the 1972 invasion. The following day Amin sent an urgent telegram to President Nyerere, saying: "Uganda does not want war or misunderstanding ..." and urged Tanzania to withdraw its forces.⁶⁴ The reply from Tanzania was "There is nothing at all. Whenever President Amin is in trouble he looks for a scapegoat. It is all nonsense."⁶⁵ Tanzania kept on denying the invasion while in actual fact it was going on. Events moved fast. On November 1, Ugandan forces retaliated by invading 710 square miles of Tanzanian territory, around the Kagera River.⁶⁶ President Nyerere, on November 2, warned that all parties who were

⁶²Ibid.

⁶³For example, during the June 1973 OAU Summit, Obote sent a memorandum which gave details of murders and tortures of over 80,000 Ugandans by Amin. See Zdenek Cervenka, "The Tenth Anniversary of the O.A.U." in African Contemporary Record, 1973-1974, p. A-32.

⁶⁴See African Diary (March 5-11, 1979), vol. 19, no. 10, p. 9414.

⁶⁵Ibid., p. 9415.

⁶⁶Ibid.

offering mediation should cease their efforts and said that the only task of Tanzania then was to hit back at President Amin whom he described as a savage.⁶⁷

The intensification of hostilities caused General Amin to telephone President Daniel Moi of Kenya to intervene. The Kenyan leader, on November 6, replied that the problem should be solved peacefully under the OAU stipulations. Shortly afterwards Uganda received representatives of President Numeiri of Sudan who was the current Chairman of the OAU. The envoy, Mr. Philip Obang was accompanied by Mr. Peter Anu, the OAU Assistant Secretary-General. They were able to persuade the Ugandan leader to commit himself, on November 8, to withdrawal of his troops in Kagera. While agreeing to do this, President Amin called on Tanzania to assure him that President Nyerere "will never invade Uganda again ... and cease arming Ugandan exiles."⁶⁸ But Tanzania's reply was a mobilization of 10,000 troops to fight the 3,000 troops of Amin. November 12, Tanzania said she had launched a major counter-offensive to destroy the army of Amin and to drive him from power.⁶⁹

In keeping with his promise of withdrawing his troops "in the interest of peace," on November 14, President Amin lived up to his words. He invited both the UN and OAU to send

⁶⁷Ibid.

⁶⁸Ibid., p. 9416.

⁶⁹Ibid.; see also African Recorder (January 1-4, 1979), Redg. No. 12, vol. 17, no. 1, where Tanzania vowed not only to repel Amin's invasion but to topple the man she described as a lunatic ex-boxer stricken with syphilis.

observers to confirm his troops evacuation. Diplomats in Kampala, together with the OAU representatives visited the area and confirmed the Ugandan troops withdrawal. Still, Tanzania claimed that fighting was still going on in the area. Observers who visited the area found no evidence in Tanzanian claims.⁷⁰

In order to ensure stability and lasting peace between the two countries, the Nigerian leader, general Obasanjo dispatched high level envoys to visit President Nyerere to plead that he should not provoke a renewal of conflict in Uganda. Lt. General Theophilus Danjuma, the Nigerian Army Chief of Staff who led the Nigerian peace mission was told by President Nyerere that "Africa would be setting a dangerous precedent if Amin was allowed to get away with the aggression he had committed against Tanzania."⁷¹ The envoys returned empty handed.

Acting on his capacity as the OAU current Chairman, President Numeiri visited Uganda and Tanzania as well as the states sharing borders with the warring countries.⁷² His peace mission failed because Tanzania wanted the OAU first of all to condemn Amin's alleged invasion. Failure by the OAU to do what Tanzania called it to do, was used as a pretext by both Tanzania and the Ugandan rebels to increase the fighting. Dr. Obote came out openly on January 18, 1979 and called for the overthrow of President Amin.⁷³

⁷⁰Ibid.

⁷¹Ibid.

⁷²Africa Report, vol. 24, no. 3 (May-June, 1979), p. 5.

⁷³African News, vol. 19, no. 1 (January 7, 1980), pp. 8-9.

The crisis between Uganda and Tanzania went on without massive OAU intervention as was the case during the Nigeria Biafra War. The invasion of Uganda was completed on May 29, when Arura, the last major town was captured. When his task was done President Nyerere claimed that the objective of his country was to "punish Marshall Idi Amin for the invasion of Tanzania and was not aimed at removing him from power."⁷⁴ To justify his action the Tanzanian leader is quoted to have boasted:

When someone finds a thief in his house, he calls the police. But if they are not there, you follow him to his own house and if it is a grass house, you burn it down.⁷⁵

The part played by Tanzania during its crisis with Uganda raised great tension during the OAU Summit Conference in Monrovia. In his farewell address the outgoing OAU Chairman, President Numeiri of Sudan, whose peace mission had been rebuffed by Tanzania, and whose country as a result of the invasion, touched the spark. He called Tanzania action 'regrettable,' adding that it may be creating a precedent in Africa. He reminded the open session of the stipulation laid down in the OAU charter by saying:

I believe we are called upon to abide by our Organization charter which prohibits interference in other peoples' internal affairs and any invasion of their territory by armed forces.⁷⁶

President Nyerere promptly responded to the charges, and speaking from the chair defended his action by saying:

⁷⁴African Recorder (June 4-17, 1979), Regd. no. D-(C) 112, vol. 15, p. 5106.

⁷⁵Ibid.

⁷⁶New Africa, no. 145 (September 1979), p. 12.

We are unfair in the proposition that when one country has committed an act of aggression against another, has clearly violated the Charter of the O.A.U., has blatantly attempted the annexation of a piece of land of another country, that to appeal to the O.A.U. to condemn that act of violation of the Charter is in itself a violation of the Charter.⁷⁷

Nyerere's defense notwithstanding, the attack on Tanzania continued. General Obasanjo termed Tanzania armed intervention "ill-advised" and went on to inform the session that

. . . verification . . . revealed that incursion into Uganda from Tanzania either by Tanzanian troops or Ugandan dissidents had occurred first and Ugandan authorities duly notified the O.A.U. and U.N., without any reaction from either organization before Uganda took retaliatory action.⁷⁸

He wondered who the aggressor was; was he the initiator of the provocation or the one who reacted to it?

The OAU Assistant Secretary-General, Mr. Peter Onu who had in January 1979 gone to Tanzania to talk peace with Tanzanian unrelenting authorities, joined the bandwagon of Nyerere's critics. He read a message from the Ugandan Action Convention addressed to president Tolbert, Chairman of the OAU. The message which was read to the open session read thus:

We of the ugandan Action Convention . . . wish to draw and to hereby draw urgent attention to President Nyerere's deceit and treachery of the people of Uganda and the world in annexing Uganda under the guide of overthrowing Amin⁷⁹

Hot words were exchanged no doubt but the OAU Summit did nothing to let the Mwalimo Dr. Nyerere know that a founding

⁷⁷Ibid.

⁷⁸Ibid.

⁷⁹Ibid.

member of the OAU could not afford to be anti-OAU Charter without even a reprimand.

CHAPTER IV

THE OAU AND THE LIBERATION OF SOUTHERN AFRICA VIEWED THROUGH THE ZIMBABWEAN STRUGGLE

Even before the formation of the OAU, African leaders strongly urged for the liberation of Southern Africa in general and South Africa in particular. The defiant oppressive apartheid white minority settler regime was regarded by African leaders as an insult and a big challenge for Africans in the continent. However, in view of the fact that South Africa has been enjoying the moral and military support of Britain, France, the United States of America and other NATO countries, and above all, since its military might is alleged to be superior to that of the rest of the African countries combined, for the time being, apart from sporadic militant uprising such as the Soweto incidence of 1976, little has been done to challenge it by force. In any case, in order to ensure its eventual liberation the OAU is adopting a strategy which aims at first liberating South Africa's satellites and peripheries, namely, Rhodesia and South West Africa. When every country in Southern Africa is liberated, South Africa, no matter how powerful, will one day be liberated.

In analysing the role of the OAU in its efforts to liberate Southern Africa, I will limit the treatment to the former colony of Southern Rhodesia, for since 1965, this territory has

received the OAU's greatest attention, at least if its liberation is compared to other places like Angola, Mozambique and South Africa.

The urgent and paramount necessity of liberating the African continent has been given top priority by many African leaders. For leaders like Nkrumah and others the independence of their countries was incomplete and meaningless until the whole of Africa was liberated.¹ The decolonization of South Africa, Rhodesia, Namibia, Angola, French Somaliland, Spanish Sahara, the Comoro Islands, Canary Islands, the Seychelles, Guinea-Bissau and other dependent territories received much attention during the heroic May 1963 OAU founding Summit Conference. So as to make the liberation of these territories a primary objective, the OAU included in its Charter articles specifically addressing this issue. In Article Two paragraph one (d) one of the OAU's main aims was to "eradicate all forms of colonialism from Africa" while Article Three paragraph six committed OAU members to the principle of "absolute dedication to the total emancipation of the African territories which are still dependent."² The first OAU Administrative Secretary General, Mr. Diako Telli, best summarized the OAU task in liberating African dependent territories. In his address marking the eighth anniversary of the OAU, he said:

¹Nkrumah, *Revolutionary Path*, pp. 259-275. See also Immanuel Wallerstein, *Africa, the Politics of Unity* (New York: Vintage Books, 1909), p. 154.

²See O.A.U. Charter Article 2 Paragraphs 1, 3 and 6.

Since it was established, the Organization of African Unity's prime urgent objective has been the total liberation of our continent from all forms of foreign occupation, oppression and exploitation Our ardent desire at the O.A.U. Secretariat is that ... all African leaders would transcend their differences in the greater interest of Africa, close their ranks and conscious of common danger threatening them adopt for our collective honour, a more dynamic and effective new strategy for the liberation of our continent from the last humiliating vestige of colonial occupation and racial oppression.³

During the first ordinary session of the Assembly of Heads of State and Government in Cairo July 1964, the Decolonization Resolution was passed.⁴ This great declaration became the bulwark and conerstone of the OAU when considering the freedom of dependent territories. Colonial powers were called upon to give up their colonies. This request was specifically made to Great Britain, for Southern Rhodesia, and Portugal for Mozambique, Angola and Guinea-Bissau. Since it is common knowledge that independence is never given on a silver plate, the OAU resolved to give direct moral, military and territorial bases for nationalist movements waging wars of national liberation.⁵

Other non-military considerations were made. Diplomatic pressure in the United Nations, non-aligned states conferences, World Court of Justices, and any other available, effective and convenient international bodies were considered.

³Colin Legum, ed., Africa Contemporary Record. (1971-1972), p. A-84.

⁴O.A.U. Doc. AHG/Res. 7(1). See also AHG/Res. 8(1) and AHG/9(1) all of 1964, dealing wiht the decolonization of the various territories.

⁵El-Ayouty, The O.A.U. After Ten Years, p. 135.

In order to achieve the liberation objectives, the OAU set up a special fund and appealed to member-states to contribute voluntarily but generously financial and other aids to help the freedom fighters. It would be more appropriate now for me to examine specially the efforts to liberate Zimbabwe, which the white minority settlers called Rhodesia.

The Liberation of Rhodesia

A brief chronology of events will help to elucidate the Rhodesian political problem.⁶

October 30, 1888: Cecil Rhodes' representatives tricked Lobengula, ruler of Ndebele nation into signing of executive mining rights. This became known as the Rudd Concession. The agreement stipulated that only ten white men would enter Ndebele nation for the mining operation.

1889: Rhodes and his agents started to use the agreement as the basis for promulgating laws and regulations, setting up a force and front to act as a government. Lobengula repudiated the Rudd Concession, but it was too late.

September 12, 1880: The Occupation Day. A pioneer column of 200 settlers and hundreds of mercenaries chosen by Cecil Rhodes raised the British flag at Fort Salisbury in Mashonaland.

October 1893: The massive invasion of Ndebele by Rhodes followers. Chief Lobengula died the following year, 1894, and with him went the Ndebele nation.

Before his death, Chief Lobengula succinctly reported the white man's treachery used to subdue him. He said:

Did you ever see a Camelion catch a fly? The Camelion gets behind the fly and remains motionless for

⁶Based on George M. Houser, ed., Rhodesia to Zimbabwe: A Chronology 1830-1976, pp. 1-6. See also Richard Gibson. African Liberation Movements (New York: The African Foundation 1978; London: Oxford University Press, 1972), pp. 145-149.

sometimes, then he advances very slowly and gently, first putting forward one leg and then the other. At last, when within reach, he darts out his tongue and the fly disappears. England is the Camelion and I am the fly.⁷

October 29, 1922: Rhodesian whites voted for the colony to be self-governing. The following year, October 1, 1923, the minority settlers adopted their first constitution, assuming all political powers alone.

1952: As if the power grasp of Southern Rhodesia was insufficient, the Rhodesian whites schemed the formation of the Federation of Rhodesia and Nyasaland, better known as the Central African Federation. It comprised of Northern and Southern Rhodesia and Nyasaland. Its covert political aim was to cement the white power in Southern Africa. It was only after a hard struggle that the federation was dismantled in 1963.

1961: The adoption of a new constitution. To placate the disgruntled Africans, the new deceitful device offered fifteen out of sixty-five seats in the legislative to blacks.

November 11, 1965: Ian Smith unilaterally declared independence for Southern Rhodesia. This outrageous action sparked protests not only in Africa, but the world at large. the U.D.I. became the strongest rallying point in the liberation of Rhodesia.

The first modern nationalist organization that was highly vocal in Rhodesian politics was formed in August 1955. The Southern Rhodesian National Youth under the leadership of James Chikerema and George Nyandoro attacked not only the white minority regime in Southern Rhodesia but the Central African Federation as well. On September 12, 1957 this movement merged with the African National Congress (ANC) which had existed since 1934, and through which Rhodesian black elites appealed for justices

⁷Joseph Anene and Brown, ed., Africa in the Nineteenth and Twentieth Centuries (Ibadan University Press, 1966), p. 135.

for their people, to form Southern Rhodesia African National Congress. Joshua Nkomo and James Chikerema became President and Vice President respectively.⁸

With the establishment of the 1961 Constitution which failed to reflect the demands both Africans and the Southern Rhodesian National Congress, Nkomo abandoned the above movement, and founded on December 9, 1961, a more militant one called, Zimbabwe African People Union (ZAPU). He foresaw a bitter struggle ahead, and in order to prepare for the future violence, by mid 1962, he started sending militants abroad for military training, mainly to Ghana, Algeria, China, Czechoslovakia and other Eastern countries.⁹ It was outlawed in September 1962, forcing Nkomo to seek refuge in Tanzania on September 20, where he intended to form a government in exile.

With Rev. Ndabaningi Sithole and A. Mukhahlera, he set up an executive council in Dar es Salaam. To seek support for his movement he travelled abroad and addressed the U.N. Fourth Committee. This resulted in the dispatch of a U.N. sub-committee on Rhodesia to London to consult the British government on the Rhodesian situation. The U.N. committee found out for itself that Rhodesia was not a genuine self-governing territory.

He also travelled extensively in Africa lobbying for support. He led the ZAPU delegation to Addis Ababa during the May 1963 OAU founding summit. When he requested financial assistance

149. ⁸Richard Gibson, African Liberation Movements, pp. 145-

⁹Ibid.

from the OAU he was asked to return to Rhodesia and organize more effectively African political activities within Rhodesia. The OAU African Liberation Committee also refused him financial aid and reiterated the earlier position of the OAU, to repeat, to go back to Rhodesia and organize the Africans. To Rhodesia he returned, though it was not long before he was rounded up by the Ian Smith regime and detained at Gunakudzingwa detention camp where he remained for almost ten years without formal trial for treason.¹⁰

The other major movement was Zimbabwe African National Union (ZANU), a splinter movement born out of disagreement with Nkomo's leadership. Sithole, Leopold Takawira, Moton Malianga and Robert Mugabe who remained in Dar es Salaam when Nkomo returned to Rhodesia criticized his leadership and deposed him. Nkomo in turn suspended them from his organization. In the course of this internal dispute, Sithole and his followers returned to Rhodesia and formed ZANU. Sithole, the splinter group leader gave the purpose of forming his movement, saying:

African politics in Zimbabwe, as well as in European-ruled Africa, began as 'reformist politics.' But now we have entered the phase to 'take over' politics to rule Zimbabwe for the benefit of the voiceless African majority. We have entered the period of political confrontation. ZANU represents the fighting spirit which began with an imposed rule in 1890 and shows the unity of spirit between those who have gone on and those who are still living. We have a duty to ourselves and the unborn generations of Zimbabwe, and that duty is to free Zimbabwe. We are our own Liberation.¹¹

¹⁰ Ibid., p. 162.

¹¹ Ibid., p. 175. He quoted Mwenje-Lusaka, a ZANU Department of Political Affairs pamphlet, no date.

The disagreement which resulted in the creation of ZANU continued to separate the two movements. Each opposed the other, and before 1966, very little was done to confront their common enemy, namely, Ian Smith and his settler regime.

It was ZANU that launched the first full scale guerilla warfare. Using its bases in Zambia, on 28-29 of April 1966, the Zimbabwe African National Liberation Army (ZANLA) confronted Rhodesian Security forces near Sinoia in Rhodesia.¹² ZANLA claimed to have inflicted some casualties but Rhodesia denied the report. Calling it 'irresponsible' Zimbabwe African People Union denounced the ZANLA attack. However, ZANLA continued to conduct sporadic attacks on the white settlers' farms, homes and other areas in Rhodesia.

Attempts by President Kaunda to get the two movements to close ranks resulted in token unity in the formation of the Front for the Liberation of Zimbabwe (FROLIZI) in October 1971. This endeavour, apparently did not suit the majority of ZAPU and ZANU followers. It appeared as if there were three 'do nothing' movements--ZAPU, ZANU and FROLIZI, in the early 1970s.

The OAU Endeavours

Even before the founding OAU and the establishment of the ALC, Ghana and the United Arab Republic took upon themselves the responsibilities of aiding freedom fighters from Southern Africa. Ghana took the lead. In order to coordinate their

¹² John Davis and James Baker, Southern Africa in Transition (New York: Frederick A Praeger Publisher, 1969), p. 411.

activities and also to familiarize themselves with the various guerilla warfare tactics, Ghana called a conference of Freedom Fighters in Accra, in June 1962. The Ghanian leader asked the freedom fighters in the various territories to be united, saying: "You must forget your theoretical differences and minor political polemics." As it was previously mentioned, the Kwame Nkrumah's Institute in Winneba trained freedom fighters from Rhodesia and South Africa. In addition, Ghana created the Bureau of African Affairs "which aided movements in various countries and even organized conferences of freedom fighters."¹³ For his individual contribution, President Nasser of the United Arabs Republic (Egypt) founded the African Association which main purpose was to provide facilities in Cairo to the various revolutionary groups.

Other pre-OAU attempts to encourage liberation activities included the holding of the Third Afro-Asian Solidarity Conference (AAPSC) in Moshi, Tanganyika, from February 4 to 11, 1965. This conference strongly recommended:

. . . the formation of a United National Front in any one country that is not liberated yet and the coordination of action amongst these different national fronts,¹⁴ to make their struggle for independence more effective.

While Nkrumah was even contemplating raising a people's militia to fight in Rhodesia, Ben Bella of Algeria had since 1963 been willing to supply to to 10,000 troops to fight the liberation

¹³Immanuel Wallerstein, Africa, the Politics of Unity, p. 153.

¹⁴Ibid., p. 155.

of Southern Africa.¹⁵

The pre-OAU liberation movements pressured the OAU founding fathers to create the African Liberation Committee in May 1963. The ALC was originally made up of nine members, namely, Algeria, Guinea, U.A.R., Congo Kinshasa (Zaire), Ethiopia, Nigeria, Senegal, Tanganyika and Uganda. It had its headquarters in Dar es Salaam. The ALC was "responsible for harmonizing the assistance from African states and for managing the Special Fund to be set up for that purpose."¹⁶

Concerning Rhodesian liberation, the Committee wisely saw that one of the best ways to pursue the Rhodesian problem was by letting the African members of the Commonwealth put great diplomatic pressure on Britian. According to Immanuel Wallerstein, the objective of using this tactic was to induce the United Kingdom to convene a constitutional conference which would lead to the transfer of power to the Africans.¹⁷ The second tactic was to encourage ZAPU and ZANU to unite and start effective struggle inside the country. In order to have the backing of Northern Rhodesia which was about to attain independence, the ALC gave financial support to Kenneth Kaunda's party. It was wisely calculated that if Kaunda was helped to win the elections, he would be sympathetic to the nationalists course in Southern

¹⁵Osita Eze, "O.A.U. Faces Rhodesia," in African Review, vol, 5, no. 1, p. 47.

¹⁶Immanuel Wallerstien, Africa, the Politics of Unity, pp. 154-155.

¹⁷Ibid., p. 158.

Rhodesia. The ALC was right. So the initial ALC tactics were to tackle the Rhodesian problem on the round table peace conference as well as on the battle front.

It takes time to develop a consistent program of action. The early efforts are bound to be less perfect; this was true to the ALC. The ALC must have exceeded its limits of action. Ghana, resentful of her exclusion from the nine original members¹⁸ was very critical of the way the ALC was functioning. Nkrumah even withheld Ghana's contributions to the ALC because of "the frequent and persistent reports from Freedom Fighters about the short coming of the aid and facilities for training offered to them."¹⁹ In addition to the above complaints, using the Spark, Ghana attacked the ALC for assuming responsibility for over-all strategy, for transferring the primary role in aiding liberation movements to neighbouring countries, and for establishing an over elaborate secretariat with inadequate security precautions.²⁰ However, the 1966 Council of Ministers resolved the controversies surrounding the troubled ALC by deciding that:²¹

1. The liberation Commiteee's Committee competence covers action administration but not policy making.
2. The OAU Secretariat assumes over-all control of the committee's activities.

¹⁸ Zdenek Cervenka, The O.A.U. and Its Charter, p. 18.

¹⁹ Nkrumah, The Revolutionary Path, p. 280.

²⁰ Immanuel Wallerstein, Africa, the Politics of Unity, p. 161. He quoted the Spark (Ghana) issue of October 25, 1963.

²¹ Zdenek Cervenka, The O.A.U. and Its Charter, p. 18.

The controversies concerning the ALC and other disagreements among OAU member states led to the formulation of no concrete policy to counteract Mr. Ian Smith's threat of U.D.I. In any case, shortly before the U.D.I. the Defense Committee which is also known as the Committee of Five, comprising of U.A.R., Tanzania, Kenya, Zambia and Nigeria was formed in October 1965 to follow up the matters and resolution relating to Rhodesia.²² In November 1965 this committee was summoned to study and report on the U.D.I. issue. No meaningful recommendations were made; it only announced that the OAU Council of Ministers would meet in Addis Ababa to discuss immediate action. Accordingly, an extraordinary session of the Council of Ministers was called in December 1965 to decide how the OAU was to meet Ian Smith's U.D.I. challenge.

For failing to prevent the U.D.I. on one hand, and for being unwilling to crush the rebellion by force on the other, the Council of Minister passed a resolution asking the OAU member states to sever diplomatic relations with Britian. This was in accordance with the 1965 OAU Summit resolution whereby the Heads of State and Government promised to:

. . . reconsider all political, economic and financial relations between African states and the United Kingdom Government in the event of this government's granting or tolerating Southern Rhodesian's independence under a minority government.²³

But only the radical states, namely, Algeria, Congo Brazzaville,

²²Africa Research Bulletin, PSC Series, vol. 2, no. 10, October 1-31, 1965, p. 378.

²³Woronoff, Organizing Africa Unity, p. 238.

Ghana, Mali, Mauritania, Sudan, Tanzania and U.A.R. obeyed. Speaking scornfully of those African states which failed to implement the resolution to punish Great Britain, President Nyerere reproached them by saying: "The O.A.U. decision at Accra has been unanimous, but now, some African leaders have gone back to look at their bank balances. This is ridiculous."²⁴

Within a year, however, including Tanzania, the seven countries that severed diplomatic relations with Britain, normalized them. They claimed that Britain had reconsidered and had proclaimed that "there can be no independence before majority rule in Rhodesia,"²⁵ a commitment that African states had wanted Britain to make.

The 1966 coups were big blows to a united stand against the U.D.I. The overthrow of Dr. Nkrumah in particular caused a great set back in the liberation struggle. The New Government of General Joseph Ankra reversed Nkrumah's foreign policy objectives. Emphasis was placed on solving Ghana's domestic problems. This was clearly noticed during the Council of Ministers Conference in Addis Ababa in March 1966 where the seating of Ghana's new regime's representative caused a great commotion. While many members walked out in protest, Mr. Osmen Ba of Mali, the first deputy Chairman of the conference resigned in protest of Ghanaian new representative's presence in the meeting. The detention of

²⁴William Edgett Smith, We Must Run While They Walk, p. 284.

²⁵Woronoff, Organizing African Unity, p. 252.

the Guinean delegation who happened to stop in Accra on their way to the above conference caused more commotion.

Though Seymour Hersh states that Nkrumah's downfall came about because the latter "had angered the United States by maintaining close ties to the Soviet Union and China,"²⁶ there is a strong indication that Nkrumah was silenced because of his stand on the African liberation struggle. In Nkrumah's own words:

. . . relationship between the U.S.A. and Ghana had reached a new low as a result of Nkrumah's charges that the United States is foremost among the neo-colonialist powers seeking to exploit and subjugate the African continent: What appeared to annoy the State Department was the timing of the publication and the fact that copies of the book (Neo-colonialism) were circulated among African heads of state and the delegations attending the OAU Summit meeting in Accra in October 1965²⁷

Nkrumah's book, Neo-Colonialism, The Last Stage of Imperialism alarmed the State Department to a degree that it delivered an aide memoire protest to the Ghanaian government. Part of the protest reads: "The government of the United States actually therefore holds the government of Ghana fully responsible for whatever consequence the book's publication may have."²⁸ Three months later, Nkrumah was overthrown with the aid of the CIA.²⁹

²⁶Seymour Hersh, CIA said to have aided plotters who overthrew Nkrumah in Ghana. In Ray, Schaap, Meier and Wolfed, Dirty Work 2. The CIA in Africa Lyle Stuart in New Jersey, 1979.

²⁷Nkrumah, The Revolutionary Path, p. 312.

²⁸Ibid., p. 311.

²⁹Ray Schapp, Meier and Wolf, ed., Dirty Work 2, pp. 159-162.

The point I have tried to establish above is that strong economic interests in Southern Africa, especially in Rhodesia and South Africa fought hard to maintain the status quo. If such an equilibrium was to be maintained radicals like Nkrumah who fought hard for the liberation of the subjugated territories were earmarked for silence.

To return to OAU reaction to the U.D.I., another inhibiting factor on the part of the African leaders to act in unanimity was also the fact that the Arab states were becoming more and more involved in the Middle East deteriorating situation. Houari Boumedienne had replaced Ben Bella who was very committed to the liberation of Southern Africa. So, the crisis in the Middle East as well as the Maghreb diverted attention from Rhodesia to other issues.

But the U.D.I. issue was not completely forgotten. The radicals "Revolutionary Summit" was held in Cairo on April 4-6, 1967. It was attended by Houari Boumedienne, Moktar Ould Daddah, Julius Nyerere and Gamal Abdel Nasser. Sekou Toure sent his representative and Massamba-Debat as well as Modibo Keita promised support. The meeting critically examined the Rhodesian affairs and in the end concluded that "the use of force is the only effective means to end the racist regime in Rhodesia."³⁰ The radical heads of state promised increasing aid to ZANU and ZAPU; President Nasser strongly called for an all out uprising

³⁰Woronoff, Organizing African Unity, p. 597.

of the Zimbabwe people.³¹ As the struggle unfolded, the moderates also joined the radicals by stressing that force was the only way of ending the crisis.

Once more, other crisis in the continent caused a delay in quick action against Rhodesia. The Nigeria-Biafra crisis became the hot issue for a period of almost two and a half years. France, Israel and Portugal which were directly giving military aid to South Africa, and South Africa which was actively involved in the fighting in Zimbabwe, joined Biafra side. The aim here was to disunite Nigeria which was very anti-Southern African minority regimes, and also to prolong the war as much as possible so that Ian Smith's regime could have a breathing space.

The above assertions are supported by the rejuvenated spirit in the OAU after the Nigerian civil war. The 1971 OAU Summit was the most vocal since the U.D.I., as far the liberation of Rhodesia was the issue in question. The Heads of State and Government quickly endorsed the Council of Ministers declaration which called for increase assistance to the liberation movements. Some moderates even went further. For instance, while Presidents Sengher and Ahidjo called for the doubling of even trebling contributions, General Gowon suggested setting a time limit for the liberation of the continent.³² During the same summit the OAU the Assistance Fund for the Struggle Against Colonialism and Apartheid was established. The name of the fund

³¹Ibid.

³²Zdenek Cervenka, The O.A.U. in 1971. Colin Legum, Africa Contemporary Record, 1971-1972, p. A-86.

explains its purpose.

As if to tell the minority regimes in Southern Africa in particular and the world in general that it was absolutely ready to tackle the liberation of Rhodesia, the 1971 Summit authorized its current chairman to tour the world.³³ Accompanied by the foreign ministers of Zambia, Kenya, Mali and Cameroon, in addition to Mr. George S. Magombe, the Executive Secretary-General of the ALC, as well as the OAU Secretary General, Mr. Aiallo Telli, President Ould Daddah visited a number of Western capitals. In the United States, the delegation was received by President Nixon. President Daddah complained about U.S. support to Portugal and South Africa. Supporting these countries, he said, was not in the best interest of Africans struggle against colonialism and oppression. His diplomatic host was uncommitted and made no positive reply.

In Canada, the prime minister was asked to put greater pressure on NATO leaders so that that organization's military facilities and strategic location should not be used as springboard to subvert Africa. The delegation received no assurance for its demand.

It was in the Scandinavian countries that the OAU envoys found much support and cooperation. The Swedish Prime Minister, Olaf Palme agreed to increase his country's material and financial support to the African Liberation Movements. For his part the Norwegian Prime Minister, Trygve Bratteli immediately

³³Ibid., pp. 68-87.

offered \$100,000 to the course of African Liberation.³⁴

The OAU tour was by all means successful. Since then, other world bodies, for example the World Council of Churches followed the Scandinavian lead of giving financial support to African freedom fighters.

The tension which developed in the OAU as a result of the overthrow of Dr. Milton Obote of Uganda notwithstanding, the liberation of Rhodesia was still a hot issue. In 1973, the ALC meeting in Accra issued the famous 27 Points Accra Declaration on African Liberation,³⁵ declaring "the liberation of territories under foreign domination could be achieved only by armed struggle." The liberation efforts received greater emphasis from 1975 on. The Council of Ministers meeting in Kampala, Uganda, from July 18-25, 1975 called on the people of Zimbabwe to increase their armed conflict, and also appeal to organizations and countries friendly to Africa to render more aid to the struggle.³⁶ To add more weight to the liberation efforts, the Heads of State and Government meeting in July in Kampala, appointed the Front-Line Presidents Committee and made President Nyerere of Tanzania as president. The summit also authorized the Front Line Presidents to hold diplomatic constitutional talks with the minority regimes in Rhodesia and Namibia, as one tactic of settling the

³⁴Ibid.

³⁵Africa Year Book and Who's Who, 1977, p. 39.

³⁶Colin Legum, Africa Contemporary Record 1975-1976, p. C-9-10.

problem.³⁷

Therefore, with the full blessing of the Front-Line States and OAU, in August 1975, President Kenneth Kaunda was able to join South African Prime Minister John Vorster, Ian Smith and the nationalist leaders Joshua Nkomo, Bishop Abel Muzerewa and Ndubaningi Sithole for constitutional talks which were held on a railway carriage on the bridge across the Victoria Falls. One may wonder why Mr. John Vorster's presence was tolerated. The truth or falsity of the matter was the nation that "only Vorster could influence Rhodesian white ... which was crucial to the constitutional negotiations."³⁸ No head way was made in the talks. Shortly afterward Nkomo split with the FROLIZ.

Smith took advantage of the disagreements among nationalists inside Rhodesia, and started separate talks with Nkomo in Salisbury in December 1975. These talks also failed to produce any tangible results because Smith refused to accept immediate majority rule which Nkomo demanded. At one point during the talks Smith is said to have promised that "there would be no majority rule in Rhodesia in a thousand years."³⁹ In 1976 Nkomo discontinued the talks and headed off to Zambia to organise a guerilla movement.

It was at this juncture that, fearing a repetition of another Angola-like situation in Zimbabwe, Dr. Henry Kissinger,

³⁷ Africa Year Book and Who's Who in 1977, p. 39.

³⁸ See The Guardian Extra-London (November 4, 1975), p. 14.

³⁹ See Africa Research Bulletin, vol. 13, no. 7 (August 1976).

the then U.S. Secretary of State, jumped in with his subtle shuttle diplomatic peace mission. He held separate talks with Vorster, Smith, Kaunda, Nyerere and the British government which resulted in the Angola-American proposal which included the following six points.⁴⁰

1. Majority rule within two years.
2. Ian Smith's regime to meet with African leaders to organize an interim government to function until majority rule was implemented.
3. A council of state, half black and half white was to form the interim government.
4. United Kingdom was to enact legislation for the process of the majority rule.
5. Lifting of economic sanction upon the establishment of the interim government.
6. Economic aid to be made available to Rhodesia.

The five Front-Line Presidents quickly convened in Lusaka on September 16, 1976 to study the Anglo-American peace proposal. While not rejecting it outright, the Front Line Presidents said that to accept it would be tantamount to legalising the colonialist and racist structure of power.⁴¹ Other African countries, for instance, Nigeria and Ghana were so critical of the proposal that they even refused to meet with Dr. Henry Kissinger during one of his shuttle tours to Africa.

The African fears of the Angola-American proposals were confirmed when the so-called internal settlement was instituted.

⁴⁰See Africa Research Bulletin, vol. 13, no. 9 (September 1-30, October 15, 1976), p. 4168.

⁴¹Ibid., p. 4171

As Gary Wasserman rightly contended, Bishop Abel Muzorewa, Rev. Ndabaningi Sithole and Chief Jeremiah Chirau were only used to enhance the continuity of white rule in Rhodesia. Mr. P. K. Van der Byl, the white indiscreet Joint Minister for Foreign Affairs, in May 1978, assured his white followers that their leaders had achieved a master piece and that:

No one ever believed that we could get the internal leaders to agree to so much ... whereas we were alone, we now have the advantage of authentic black nationalism defending our political position.⁴²

To return to the Anglo-Americana peace proposal, after examining the six points, the Front-Line Presidents asked Britain to convene at once a constitutional conference outside Zimbabwe. This request was granted.

In order to present a united stand during the talks, Joshua Nkomo of ZAPU and Robert Magabe of ZANU, on October 10, 1976, agreed to the formation of a coalition called the Patriotic Front. It was a loose alliance which presented a joint delegation during the Geneva Peace talks. In January 1977, it was recognized by the OAU on the sole legitimate nationalist movement in Zimbabwe.⁴³

As usual, the long talks broke down. The Patriotic Front refused to go along with the deceitful proposal. On the other hand, Rev. Muzorewa, Sithole and the other internal nationalists agreed to accept the proposal. Nkomo and Mugabe with OAU

⁴²Gary Wasserman, "The Economic Transition to Zimbabwe," in Africa Report, vol. 23, no. 6 (November-December, 1978), p. 41.

⁴³Ibid., pp. 44-45. See also Africa Diary, no. 38 (September 17-23, 1979).

support boycotted the fake elections which were held in Rhodesia in early part of 1978.

During the 1979 OAU Summit in Monrovia, the African leaders reiterated their recognition of the Patriotic Front as the sole legitimate representative of the people of Zimbabwe, and further resolved not to negotiate with the Muzorewa government. The Heads of State and Government called upon each member state of the OAU to tighten sanction and not to accord diplomatic recognition to the Internal Settlement Government.

At the end of the Summit, the OAU leaders adopted a resolution by acclamation committing members to: "Apply effective cultural and political sanctions against any state which accords recognition to the illegal racist minority regime in Zimbabwe."⁴⁴ Great pressure was also exerted on Great Britain, especially by the Commonwealth African States against Britain's recognition of the Salisbury regime.

Meanwhile, the war was escalated. ZANU's 20,000⁴⁵ troops based in Mozambique, and 5000 inside Zimbabwe, in Shana speaking areas in northern and eastern territories bordering Mozambique, and ZAPU's 10,000 fighters in Zambia and 1000 in Zimbabwe, in Ndebele speaking area bordering Zambia, declared full scale war.⁴⁶

All attempts by Bishop Muzorewa and Smith to win diplomatic recognition failed. Even the U.S., a partner to the Anglo-

⁴⁴Ibid.

⁴⁵See Africa Report (November-December 1978).

⁴⁶Ibid.

American peace proposal which eventually led to the internal settlement refused to have any official dealing with Zimbabwe-Rhodesia. Great pressure mounted by the Afro-Americans in the United States made the Carter Administration remain 'neutral' in the continuous crisis in Zimbabwe-Rhodesia. If Mr. Dick Clark the former Senior Senator from Iowa and Chairman of the African Sub-Committee of the Senate Foreign Affairs Committee, Mr. Andrew Young the then U.S. Ambassador to the United Nations, and the Afro-American population did not protest and struggle hard, especially during Smith and Muzorewa's visit to the U.S., the Carter Administration would have probably gone along with Senator Jesse Helms and his colleagues' demands of lifting sanctions against Rhodesia.

While the Afro-Americans were putting political pressure on the U. S. government not to have any dealings with the Internal Settlement Government, the African Commonwealth members did the same to Britain. On the eve of the Lusaka 1979 Commonwealth conference, President Nyerere belligerently declared in Dar es Salaam that Tanzania would pull out of the Commonwealth if Britain recognized the Muzorewa Government. Nigeria's take over of British owned BP on the eve of the Lusaka Commonwealth conference was another warning to Britain, Nyerere and Obasanjo were indicating what would follow if Mrs. Margaret Thatcher's Conservative Government rebuffed the African wishes concerning Zimbabwe.

As it was expected, the Rhodesian crisis was the main point of discussion during the Commonwealth Conference in Zambia.

The peace agreement was worked out by representatives from Nigeria, Tanzania, Zambia, Britain, Australia and Jamaica. Let it be noted that of the six countries that negotiated the peace, three were the Front-Line states, and a fourth, Jamaica, being an Afro-Caribbean nation was sympathetic to the views of the other African representatives. It could, therefore, be safely concluded that the Lusaka agreement which laid the ground work for the final real settlement of the Rhodesian crisis was the same voice of the OAU.

Since the OAU empowered the Front-Line states to negotiate with any power for the purpose of establishing a genuine majority rule, remembering also the full financial, political and moral support the OAU gave to the Patriotic Front, it is my conclusion that the Organization of African Unity played a positive role in settling the Rhodesian Crisis.

CHAPTER V

CONCLUSION

THE BALANCE SHEET OF THE ROLE OF THE OAU IN SETTLING AFRICAN POLITICAL DISPUTES

In its numerous endeavours to settle the scores or problems facing the continent, the OAU did not fully utilize the Commission of Conciliation, Mediation and Arbitration which was specifically created as means of solving African problems. Instead, individual heads of state and government or a number of them formed an ad hoc mediation or conciliation committees. This process is often referred to as using good offices of a head of state or heads of states. In the course of trying to settle a dispute, the 'African framework approach' featured prominently. This indigenous way of solving problems was aimed at excluding foreign interference. That is to say, the problem was to be settled by Africans themselves. Using the African framework approach, the OAU achieved its first success when it successfully ended hostilities between Morocco and Algeria during their border crisis which erupted in 1963. The good officer of Emperor Haile Selassie, President Modibo Keita of Mali and later on the OAU ad hoc Commission helped to bring the dispute under control.

In the disputes between Ghana and its neighbours, especially the one between Ghana and Upper Volta, the OAU played an important role towards their settlement. Though it may be argued that the disputes were only finally settled in 1966 after Dr. Nkrumah had been overthrown, it could forcefully be contended that the OAU laid the ground work for their settlement. For example, the Ghanian-Voltaic Commission which was set up at the urging of the OAU negotiated the settlement of the dispute.

On another disputes concerning Dr. Nkrumah's subversion activities, the OAU played an impressive role to curb them. Since the 1965 Lagos Extraordinary Council of Ministers attack on Ghana, Dr. Nkrumah promised not to let political refugees living in Ghana cause more trouble.

Considering the Southern Sudan dispute; the good offices of the Emperor, with the collaboration of the World Council of Churches, and the Sudanese authority, the seventeen years Anya-Nya secessionist rebellion was peacefully resolved in Addis Ababa in 1972. In like manner, the 1971-72 Tanzania-Ugandan crisis was settled through good offices of African leaders. The African tradition of respecting the wisdom of the elders and people of distinction in helping to settle disputes was fully employed by the OAU. Among the numerous examples that could be cited, a few are outstanding. When Ghana detained a Guinean delegation on its way to the OAU Council of Ministers conference in Addis Ababa in 1966, it was the ad hoc committee comprising Emperor Haile Selassie and Presidents Tubman of Liberia, Keita of Mali, Nyerere

of Tanzania and Nasser of Egypt that resolved the dispute. It should also be remembered that it was the Emperor who in 1970 helped to bring about a reconciliation between Nigeria and three of the four African countries that recognized Biafra.¹

However, on the debit side neither the wisdom nor respect for the African elder statesmen could help resolve the Somalis-Ethiopian-Kenyan border disputes, the Nigerian-Biafra crisis, and the 1979 Tanzania invasion of Uganda. Another major failure of the OAU has been its inability to liberate Namibia and South Africa in spite of the countless resolution passed.

But it should not be taken to mean that the OAU did not do its best in trying to solve these 'hard' problems. Regarding the long standing Somali problem in the Horn, Cervenka best acknowledged OAU efforts by saying:

The success of O.A.U. intervention in the disputes between Somalia and Kenya was achieved in an extraordinary session at Dar es Salaam in 1964. When the dispute came up again at the 1973 O.A.U. Summit in Addis Ababa, five heads of state ... persuaded President Barre of Somali to co-operate with the Committee in a search for a compromise.²

It must be reiterated that great power intervention during the 1978 Ethiopia-Somali war in Ogaden, during the 1967-1970 Nigeria-Biafra War, and the present war over the former Spanish or Western Sahara ruled out any chance of peaceful settlement on the basis of the African framework.

¹ Zambia, Ivory Coast and Tanzania. Reconciliation between Nigeria and Gabon came much later.

² It was made up of Nigeria, Senegal, Liberia, Guinea and Mali.

Yet, even in the three last examples indicated above, the OAU did all it could to bring peace. Without doubt, the Nigerian Civil War received much attention from the OAU, which was unshakable in its desire that the crisis be settled following its guidelines, that is, that Biafra should renounce secession in order to keep Nigeria united. Over the Polisario problem in the Maghred, the OAU's ad hoc commission of wise men³ is still working on ending the dispute. There has been significant progress. The OAU resolution on self-determination of the Sahrawi people has been echoed by the U.N., Spain, France and Mauritania. Concerning the liberation of Southern Africa, and Rhodesia in particular, without the support of the Front Line States (which has backing of the OAU) and financial, moral, and material support contributed by the OAU member states to intensify the guerilla warfare, Mr. Ian Smith would not have moderated his hard line in Rhodesia.

With the above considerations in mind, let me conclude that the only major conflicts which the OAU was unable to solve or do anything positive to stop were the Ethiopian-Somali War, the invasion of Uganda by Tanzania, and the Nigerian-Biafra War.

The Need For An All-African High Command

As I indicated earlier, foreign intervention makes it extremely difficult for the OAU to settle problems that involve armed confrontations. The present day world wide crises are not solved by wise diplomats. The United States and the Soviet Union

p. 66. ³Zdenek Cervenka, Unfinished Quest for African Unity,

sit side by side to discuss SALT agreement only after each country has counted the number and quality of destructive weapons it has. I am suggesting that most of the present day violent political problems are solved by the use of force. Therefore, the only way that the OAU can play a more dynamic role is through the formation of an All-African Army which could be used in a manner similar to that of the U.N. forces. The idea of establishing an African High Command had been around even before the creation of the OAU. The Casablanca group spelled out the creation of an African army in its charter.⁴

During the establishment of the OAU in May 1963, the African leaders gave deference to the idea of an All-African army. They included a Defense Commission in the OAU Charter.⁵

Inspite of everything this commission has not been used. It was only during the 1978 OAU Summit in Khartoum that it was activated to study the establishment of the Pan-African force.⁶ It was proposed that the Pan African Force, if established, would come under direct supervision and command of the OAU.⁷ Speaking in favour of such an All-African Army, General Obasanjo, head of the Nigerian Military Government, stressed that:

. . . as the UN can act if world peace is threatened, so should the O.A.U. be empowered to effectively act in the event of a situation which threatens African

⁴See Nkrumah, Revolutionary Path, p. 232. See also Nkrumah, Africa Must Unite, pp. 141-149.

⁵See O.A.U. Charter Article XX paragraph four.

⁶See New Africa (July 1979), no. 143, pp. 18-19.

⁷See Africa (July 1979), no. 95, p. 16.

peace and security.⁸

This view was supported by President Tolbert in his opening address during the 1979 OAU Summit in Monrovia, when he called for the creation of a machinery to "enable the O.A.U. to respond promptly at all times to problems which threaten the peace and security of the continent."⁹

If this long overdue All African Army is created, it would serve four useful purposes. First of all, such an army will support member states in the event of aggression from forces outside the continent or directed by foreigners. France has now become the self appointed African policemen, claiming the right and responsibility to intervene in Africa at its discretion.¹⁰ With all impunity, in February 1964, French troops landed in Libreville, Gabon, to reinstate Leon Mba who had been ousted in a coup. Since 1968 French troops have virtually dictated policy in Chad; in April 1977 and May 1978 French soldiers were flown into Zaire to help President Mobutu to repel the rebels invading Shaba province; France has also intervened in Mauritania and Senegal, and lately, it planned and executed a coup that overthrew Emperor Bokassa, and installed government of its choice. French mercenaries, headed by the notorious Bob Denard, have caused untold havoc ranging from the toppling of the government in Comoros in May 1978, to coup in the Seychelles, to fighting in

⁸Ibid.

⁹Ibid.

¹⁰New Africa, no. 131 (July 1978), p. 27

the Nigerian Civil War.¹¹ France also maintains well over 12,000¹² stationed almost permanently on African soil. Apart from France, the Portuguese, Cubans, Israelis, Belgians, West Germans, and other Western countries have used their military power to humiliate African states. Had there been an African security Army, some of these insults would not have gone unchallenged.

Secondly, an All-African Army would be used to assist in the African liberation struggle. Instead of leaving all the fighting to the nationalists in various countries, an African High Command would speed up, for instance, the liberation of Namibia and South Africa.

Angola and Mozambique provide eloquent examples of states where an African Army could consolidate African revolution. The forces of imperialism and neo-colonialism are undermining not only the independence of Mozambique and in particular Angola, but the effectiveness of the OAU as well. The situation in Angola deserves further critical comments.

The OAU had recognised Popular Movement for the liberation of Angola (MPLA) of Dr. Agostino Neto which finally liberated Angola. Angola became a sovereign independent state in 1976, but some Western countries with the collaboration of Zaire and South Africa are still aiding the National Union for the total independence of Angola (UNITA) of Dr. Jonas Savimbi. Why is UNITA still

¹¹ See Africa Report, vol. 23, no. 6 (November-December 1978), p. 26.

¹² New Africa, no. 131 (July 1978), p. 27.

fighting when independence has been won" Mr. Arnoud de Borchgrave, a U.S. journalist who was sent to accompany Savimbi during one of his visits to the U.S. tells us that:

Invited by Freedom House Savimbi (is) expected to meet this week with President Carter's National Security Adviser, Zbigniew Brzezinski. Visits also were planned with former Secretary of State Henry Kissinger. Republican Presidential hopefuls John Connally and Alexander Haig have asked to meet with him. A press conference was scheduled for Washington, and Savimbi hoped to drum up support for his war against the Marxist government of Angola and its Cuban allies¹³

Dr. Savimbi's warm reception by the U.S. government officials and influential U.S. opinion makers in November 1979 was not the only worry of the Angolan leaders. The main concern is the disclosure that "a consortium of nations contributed \$30 million to UNITA liberation efforts."¹⁴ These contributions were obviously made by the United States, South Africa, France and West Germany which are interested in Angola's wealth.¹⁵ The main question to be answered is why foreign nations decide to subvert an independent African state without the OAU doing something. Mr. George Housen, the director of the American Committee on Africa,¹⁶ was right when he remarked that President Carter's plans were

¹³Mr. Arnaud de Borchgrave is a Newsweek journalist who was sent from the U.S.A. to Angola to accompany Dr. Jonas Savimbi to the United States. The official story is narrated in Newsweek, November 12, 1979, p. 12.

¹⁴New Africa, no. 141 (July 1978), p. 28.

¹⁵Ibid.

¹⁶This is a church sponsored lobby group in Washington;
D. C.

"tantamount to a declaration of war on the Angolan Government."¹⁷

I have commented at length on the foreign sabotage of Angolan independence solely for the purpose of stressing that it would need a combined force of all African states, in the form of a Pan-African High command to save Angola from imperialist machinations.

The third urgent need for an African Army is to provide a peace-keeping force in the event of conflict between African states or in case of a civil war, and the fourth necessity for the creation of such a force is to cooperate with the United Nations on matters of defense and security affecting African states.

Foreign intervention is rampant in Africa on the pretext of preserving stability, and law and order. However, in most cases, as it was shown during the treatment of the Algeria-Morocco border crisis, the Nigerian-Biafra War, and the crisis in the Horn of Africa, foreign intervention only serves the economic, military, and political interests of the imperialist powers. This Ecomilpoli¹⁸ complex can be understood more clearly by examining the 1978 foreign intervention in Zaire. The Western spokesman was none other than the former NATO Supreme Commander, General Alexander Haig, who, speaking about the military

¹⁷New Africa, no. '131 (July 1978), p. 28.

¹⁸This is a term I have concocted from a combination of the first three letters of economic, military and the first four letters of political. This order of arrangement of the letters is based in consideration that economic motives were the most important (followed) by military back up the economic interest) and politics, mainly propaganda, is a means of achieving the first two.

intervention in Shaba province, declared that it was "the first concerted Western military response to the Soviet-Cuban presence in Africa."¹⁹ Of course, the socialist countries retorted by decrying that the imperialist Shaba intervention was a calculated "NATO operation hatched in Brussels."²⁰

The big powers in general and the Western ones in particular, at best are indifferent to the idea of an All-African Army, and at worst, try hard to sabotage the idea by introducing versions suitable to them. Once again, France provides a good obstructionist example. France is said to have the interests of Africa's stability in mind, and on this basis intervenes to save various countries. During the Shaba conflict, she decided that similar problems should be handled by Africans themselves through a Pan-African army. A Franco-African summit conference was called in Versailles, and was attended by twenty-one countries, including Zaire, Mauritius, Burundi, Guinea Bissau, Sao Tome and Principe which are non-Francophone African states.²¹ Benin and Niger were only opposing voices; Presidents Leopold Sengher, Houphoet-Biogny, Eyadema and Emperor Bokassa strongly supported the France backed Pan-African force. This was not surprising because France has troops stationed almost permanently in the countries supporting

¹⁹New Africa, no. 131 (July 1978), p. 27.

²⁰Ibid.

²¹This Summit took place on May 21-22. Cameroon and Malagasy refused to attend. See Africa Research Bulletin. May 1-31, 1978; June 1978, vol. 15, no. 5, p. 4859.

the idea.²² The United States also welcomed the idea, for in May 1978, during a meeting between President Carter and Giscard d'Estaing, the two leaders agreed to jointly aid efforts to form a Pan-African military force.²³

The force was to be made up of African troops, but with the logistical support of Europe and the United States. What an insult. Was this not the same arrangement as was the case during the First and Second World Wars when the colonial soldiers fought and died under foreign European commanders? If the West is interested in the establishment of such an army, let it only give the weapons and money and let the Africans manage the whole operation themselves.

The reasons why the big powers are not enthusiastic about the creation of an All-African High Command, completely under the OAU umbrella are obvious. United African force would be a threat and challenge to the imperialist interventions. Above all, such an army would oppose foreign acquisition of military bases in the continent. This would mean blocking NATO's aims in the strategically important continent. Finally, such an army will be a threat to the imperialist economic grip in Southern Africa.

What Roger Gaudefroy-Demombynes, a French official in colonial Morocco, said long ago is still valid today. He declared, "We must use to our advantage the dictum divide and

²²For example, France has 1,300 troops in Senegal, 4000 in Djibouti, 550 in Ivory Coast, etc. See New Africa, no. 131 (July 1978), p. 26.

²³Ibid., p. 28.

rule."²⁴ So, to preserve real African independence and prevent its divide and rule through foreign military intervention, there is an urgent necessity for the creation of an All-African High Command.

The establishment of a genuine Pan-African force is not the only remedy needed to make the OAU more responsive to the continent's mounting political disputes. The OAU charter itself needs a revision. Africa is changing very rapidly. Conditions of sixteen years ago are not the same ones prevailing now. The present charter retains the actions of its Secretary General. Theoretically, his functions are mainly administrative. He should be given a much broader role and more extensive power, for he is the man at the scene of most problems, discussions and most OAU conferences. Unlike the OAU chairman who only holds office for one year, the Secretary General is often around for many years. He systematically follows the development of issues. If the proposals now under consideration are accepted, the OAU Secretary-General will have a key role to play. It is suggested that he be assisted by a military adviser who will in turn be assisted by high ranking military officers.²⁵

The Establishment of the So-called Human Rights Charter for Africa Under the Auspices of the OAU

Of recent, there have been loud cries for including a declaration on 'Human Rights' into the OAU charter. Such

²⁴Ray Schaap, Meter and Wolf, ed. Dirty Work 2, The CIA in Africa (Lyle Stuart, Inc., 1979), p. 163.

²⁵New Africa, No. 143 (July 1979), p. 19.

advocates point to the reign of terror during the rules of Field Marshall Idi Amin of Uganda, President Macias Nguema of Equatorial Guinea,²⁶ and Emperor Bokassa of Central Africa Empire, to name but three notorious rulers who tortured, imprisoned and killed at will, and maintain that it is about time the OAU started talking about 'peoples' rights and not so much about states rights. They point to the United Nation Organization Charter and argue that the OAU charter should also affirm human rights. This issue deserves a brief examination. According to Inis Claude,

. . . the emphasis in the Charter [U.N.] upon the promotion of respect for human rights lends color to the suggestion that the United Nations was built upon a conception hastily generalized from immediately preceding experience. The view that the danger of war emanates from totalitarian governments, that war is caused by the diabolical plots of ruthless dictators who are contemptuous to human rights.²⁷

Now let us apply this background to the place of human rights in African political problems. If it is assumed that Hitler's totalitarian government caused war, could this hypothesis hold good to Emperor Bokassa, Presidents Nguema, and Amin? Were they the devils behind the grave political problems facing Africa. Let us accept the contention that dictator Amin's violation of human rights led Ugandans to flee to Tanzania where they organized and launched an attack, and in trying to repel it Amin got in trouble with Nyerere. However, it seems to me that the main question to ask is, who was the brain behind, or who

²⁶Ibid.

²⁷Inis Claude, Swords Into Plowshares, pp. 70-71.

encouraged such cruelties done by most African leaders? Certainly, the same big powers: France, Britain and the United States. Let me explain by giving concrete examples.

It is an open secret that the Public Safety Unit, the State Research Center and other bodies through which Amin carried on the torture and murders had their officer, trained in Britian and the United States. The devices through which the tortures and murders were carried on were not manufactured in Africa. To be more specific, ten of Amin's henchmen working at the Public Safety Unit received their training at the International Police Academy in Washington, D. C., and three at the International Police Servcies, Inc., where they received instructions on torture.²⁸

Britain supplied various security equipment to Amin's State Research Center. These ranged from telephone-tapping equipment, right-vision devices, burglar alarms, anti-bomb blankets and many more. The U.S. supplied Amin with planes and American pilots to fly them.²⁹

It was France that helped Bokassa to take power in 1966 and without the support from Paris, he would not have remained there so long. But when he fell out with France, he was overthrown by the same forces that installed him to power. The presence of French troops in nearly all the major Africa-Franco-

²⁸Ray Schaap Meter and Wolf, ed., Dirty Work 2, The CIA in Africa (Lyle Stuart, Inc., 1979), p. 177.

²⁹Ibid., pp. 171-179.

phone states is to support their rulers whose regimes, with few exceptions are very repressive.

The point I have laboured to make clear is that human rights issue, though serious in Africa, would not arise if the imperialists did not make the ground fertile for it. The guilty African leaders are merely dancing the tune piped by the forces outside Africa. The underground prisons, unbearable concentration camps and the numerous prisons in several African states are filled with political prisoners. Since it is not unusual to have the ex-colonial powers' teams of advisers assigned to their ex-colonies present rulers, the great powers still have enormous influence in African politics. The root cause of the human rights abuses lies within the big powers who are influencing the various states. The emphasis then should be on the eradication of imperialism and the forces of neo-colonialism.

The Final Reflections

The OAU is only sixteen years old. It is far too early to judge it harshly. Political problems are not mathematical ones with quick and sure solutions. It took the Latin American countries scores of years to complete their revolutions. Some European problems were settled only after hundred years of fighting. The problem in Northern Ireland is not yet resolved. Even the greatest power in the world, the United States, took nearly four hundred years to sign the last peace treaty with the Indians. But in only sixteen years, compared to the Arab League and OAS, OAU has done much.

Professor George Liska's view that small or weak regional organizations are incapable of deterring aggression and therefore cannot preserve regional peace and security, and that big powers influence will always be present, is not totally accurate as far as my research has shown. While big powers influence has been great, OAU member states, either through establishments like the Front-Line states, ad hoc committees or good offices have done much to preserve peace in Africa. Leaders from such radical states like Tanzania, Algeria, Libya, Nigeria, to name a few have no room for big power influences.

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APPENDIX A

CHARTER OF THE ORGANISATION OF AFRICAN UNITY

Addis Ababa, May 1963

We, the Heads of States and Governments assembled in the City of Addis Ababa, Ethiopia;

Convinced that it is the inalienable right of all people to control their own destiny;

Conscious of the fact that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples;

Conscious of our responsibility to harness the natural and human resources of our continent for the total advancement of our peoples in spheres of human endeavour;

Inspired by a common determination to promote understanding among our peoples and co-operation among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences;

Convinced that, in order to translate this determination into a dynamic force in the cause of human progress, conditions for peace and security must be established and maintained;

Determined to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of our States, and to fight against neo-colonialism in all its forms;

Dedicated to the general progress of Africa;

Persuaded that the Charter of the United Nations and the Universal Declaration of Human Rights, to the principles of which we reaffirm our adherence, provide a solid foundation for peaceful and positive co-operation among States;

Desirous that all African States should henceforth unite so that the welfare and well-being of their peoples can be assured;

Resolved to reinforce the links between our States by establishing and strengthening common institutions;

Have agreed to the present Charter.

Establishment

Article I

1. The High Contracting Parties do by the present Charter establish an Organisation to be known as the Organisation of African Unity.
2. The Organisation shall include the Continental African States, Madagascar and other Islands surrounding Africa.

Purposes

Article II

1. The Organisation shall have the following purposes:
 - (a) to promote the unity and solidarity of the African States;
 - (b) to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa;
 - (c) to defend their sovereignty, their territorial integrity and independence;
 - (d) to eradicate all forms of colonialism from Africa; and
 - (e) to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.
2. To these ends, the Member States shall co-ordinate and harmonise their general policies, especially in the following fields:
 - (a) political and diplomatic co-operation;
 - (b) economic co-operation, including transport and communications;
 - (c) educational and cultural co-operation;
 - (d) health, sanitation, and nutritional co-operation;
 - (e) scientific and technical co-operation; and
 - (f) co-operation for defence and security.

Principles

Article III

The Member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles:

- 1, the sovereign equality of all Member States;
- 2, non-interference in the internal affairs of States;
- 3, respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence.
- 4, peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration;
- 5, unreserved condemnation, in all its forms, of political assassination as well as of subversive activities on the part of the neighbouring States or any other State;

- 6, absolute dedication to the total emancipation of the African territories which are still dependent;
- 7, affirmation of a policy of non-alignment with regard to all blocs.

Membership

Article IV

Each independent sovereign African State shall be entitled to become a Member of the Organisation.

Rights and Duties of Member States

Article V

All Member States shall enjoy equal rights and have equal duties.

Article VI

The Member States pledge themselves to observe scrupulously the principles enumerated in Article III of the present Charter.

Institutions

Article VII

The Organisation shall accomplish its purposes through the following principal institutions:

1. the Assembly of Heads of State and Government;
2. the Council of Ministers;
3. the General Secretariat;
4. the Commission of Mediation, Conciliation and Arbitration.

The Assembly of Heads of State and Government

Article VIII

The Assembly of Heads of State and Government shall be the supreme organ of the Organisation. It shall, subject to the provisions of this Charter, discuss matters of common concern to Africa with a view to co-ordinating and harmonising the general policy of the Organisation. It may in addition review the structure, functions and acts of all the organs and any specialised agencies which may be created in accordance with the present Charter.

Article IX

The Assembly shall be composed of the Heads of State and Government or their duly accredited representatives and it shall meet at least once a year. At the request of any Member State and approved by the majority of the Member States, the Assembly shall meet in extraordinary session.

Article X

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a two-thirds majority of the Members of the Organisation.
3. Questions of procedure shall require a simple majority. Whether or not a question is one of procedure shall be determined by a simple majority of all Member States of the Organisation.
4. Two-thirds of the total membership of the Organisation shall form a quorum at any meeting of the Assembly

Article XI

The Assembly shall have the power to determine its own rules of procedure.

The Council of Ministers

Article XII

1. The Council of Ministers shall consist of Foreign Ministers or such other Ministers as are designated by the Governments of Member States.
2. The Council of Ministers shall meet at least twice a year. When requested by any Member State and approved by two-thirds of all Member States it shall meet in extraordinary session.

Article XIII

1. The Council of Ministers shall be responsible to the Assembly of Heads of State and Government. It shall be entrusted with the responsibility of preparing conferences of the Assembly.
2. It shall take cognisance of any matter referred to it by the Assembly. It shall be entrusted with the implementation of the decisions of the Assembly of Heads of State and Government. It shall co-ordinate inter-African co-operation in accordance with the instructions of the Assembly and in conformity with Article II(2) of the present Charter.

Article XIV

1. Each Member State shall have one vote.
2. All resolutions shall be determined by a simple majority of the members of the Council of Ministers.
3. Two-thirds of the total membership of the Council of Ministers shall form a quorum for any meeting of the Council.

Article XV

The Council shall have the power to determine its own rules of procedure.

General Secretariat

Article XVI

There shall be an Administrative Secretary-General of the Organisation, who shall be appointed by the Assembly of Heads of State and Government. The Administrative Secretary-General shall direct the affairs of the Secretariat.

Article XVII

There shall be one or more Assistant Secretaries-General of the Organisation who shall be appointed by the Assembly of Heads of State and Government.

Article XVIII

The functions and conditions of services of the Secretary-General, of the Assistant Secretaries-General and other employees of the Secretariat shall be governed by the provisions of this Charter and the regulations approved by the Assembly of Heads of State and Government.

1. In the performance of their duties the Administrative Secretary-General and the staff shall not seek or receive instruction from any government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

2. Each member of the Organisation undertakes to respect the exclusive character of the responsibilities of the Administrative Secretary-General and the Staff and not to seek to influence them in the discharge of their responsibilities.

Commission of Mediation, Conciliation and Arbitration

Article XIX

Member States pledge to settle all disputes among themselves by peaceful means and, to this end, decide to establish a Commission of Mediation, Conciliation and Arbitration, the composition of which and conditions of service shall be defined by a separate Protocol to be approved by the Assembly of Heads of State and Government. Said Protocol shall be regarded as forming an integral part of the present Charter.

Specialised Commissions

Article XX

The Assembly shall establish such Specialised Commissions as it may deem necessary including the following:

1. Economic and Social Commission;

2. Educational and Cultural Commission;
3. Health, Sanitation and Nutrition Commission;
4. Defence Commission;
5. Scientific, Technical and Research Commission.

Article XXI

Each Specialised Commission referred to in Article XX shall be composed of the Ministers concerned or other Ministers or Plenipotentiaries designated by the Government of the Member States.

Article XXII

The functions of the Specialised Commissions shall be carried out in accordance with the provisions of the present Charter and of the regulations approved by the Council of Ministers.

The Budget

Article XXIII

The budget of the Organisation prepared by the Administrative Secretary-General shall be approved by the Council of Ministers. The budget shall be provided by contributions from Member States in accordance with the scale of assessment of the United Nations; provided, however, that no Member State shall be assessed an amount exceeding twenty percent of the yearly regular budget of the Organisation. The Member States agree to pay their respective contributions regularly.

Signature and Ratification of Charter

Article XXIV

1. This Charter shall be open for signature of all independent sovereign African States and shall be ratified by the signatory States in accordance with their respective constitutional processes.
2. The original instrument, done if possible in African languages, in English and French, all texts being equally authentic, shall be deposited with the Government of Ethiopia which shall transmit certified copies thereof to all independent sovereign African States.
3. Instruments of ratification shall be deposited with the Government of Ethiopia, which shall notify all signatories of each such deposit.

Entry Into Force

Article XXV

This Charter shall enter into force immediately upon receipt by the Government of Ethiopia of the instrument of ratification

from two-thirds of the signatory States.

Registration of the Charter

Article XXVI

This Charter shall, after due ratification, be registered with the Secretariat of the United Nations through the Government of Ethiopia in conformity with Article 102 of the Charter of the United Nations.

Interpretation of the Charter

Article XXVII

Any question which may arise concerning the interpretation of this Charter shall be decided by a vote of two-thirds of the Assembly of Heads of State and Government of the Organisation.

Adhesion and Accession

Article XXVIII

1. Any independent sovereign African State may at any time notify the Administrative Secretary-General of its intention to adhere or accede to this Charter.
2. The Administrative Secretary-General shall, on receipt of such notification, communicate a copy of it to all the Member States.

Admission shall be decided by a simple majority of the Member States. The decision of each Member State shall be transmitted to the Administrative Secretary-General, who shall, upon receipt of the required number of votes, communicate the decision to the State concerned.

Miscellaneous

Article XXIX

The working languages of the Organisations and all its institutions shall be, if possible, African languages, English and French.

Article XXX

The Administrative Secretary-General may accept on behalf of the Organisation gifts, bequests and other donations made to the Organisation, provided that this is approved by the Council of Ministers.

Article XXXI

The Council of Ministers shall decide on the privileges and immunities to be accorded to the personnel of the Secretariat in the respective territories of the Member States.

Cessation of Membership

Article XXXII

Any State which desires to renounce its membership shall forward a written notification to the Administrative Secretary-General. At the end of one year from the date of such notification, if not withdrawn, the Charter shall cease to apply with respect to the renouncing State, which shall thereby cease to belong to the Organisation.

Amendment of the Charter

Article XXXIII

This Charter may be amended or revised if any Member State makes a written request to the Administrative Secretary-General to that effect; provided, however, that the proposed amendment is not submitted to the Assembly for consideration until all the Member States have been duly notified of it and a period of one year has elapsed. Such an amendment shall not be effective unless approved by at least two-thirds of all the Member States.

In Faith Whereof, We, the Heads of African States and Governments, have signed this Charter.

ALGERIA
BURUNDI
CAMEROON
CENTRAL AFRICAN REPUBLIC
CHAD
CONGO (BRAZZAVILLE)
CONGO (LEOPOLDVILLE)
DAHOMEY
ETHIOPIA
GABON
GHANA
GUINEA
IVORY COAST
LIBERIA
LIBYA
MADAGASCAR

MALI
MAURITANIA
MOROCCO
NIGER
NIGERIA
RWANDA
SENEGAL
SIERRA LEONE
SOMALIA
SUDAN
TANGANYIKA
TOGO
TUNISIA
UGANDA
UNITED ARAB REPUBLIC
UPPER VOLTA

APPENDIX B

PROTOCOL OF MEDIATION, CONCILIATION AND ARBITRATION

Part I

Establishment and Organisation

Article I

The Commission of Mediation, Conciliation and Arbitration established by Article XIX of the Charter of the Organisation of African Unity shall be governed by the provisions of the present Protocol.

Article II

1. The Commission shall consist of twenty-one members elected by the Assembly of Heads of State and Government.
2. No two members shall be nationals of the same State.
3. The Members of the Commission shall be persons with recognised professional qualifications.
4. Each Member State of the Organisation of African Unity shall be entitled to nominate two candidates.
5. The Administrative Secretary-General shall prepare a list of the candidates nominated by Member States and shall submit it to the Assembly of Heads of State and Government.

Article III

1. Members of the Commission shall be elected for a term of five years and shall be eligible for re-election.
2. Members of the Commission whose terms of office have expired shall remain in office until the election of a new Commission.
3. Notwithstanding the expiry of their terms of office, members shall complete any proceedings in which they are already engaged.

Article IV

Members of the Commission shall not be removed from office except by decision of the assembly of Heads of State and Government, by a two-thirds majority of the total membership, on the grounds of inability to perform the function of their office or of proved misconduct.

Article V

1. Whenever a vacancy occurs in the Commission, it shall be filled in conformity with the provisions of Article II.
2. A member of the Commission elected to fill a vacancy shall hold office for the unexpired term of the member he has replaced.

Article VI

1. A President and two Vice-Presidents shall be elected by the Assembly of Heads of State and Government from among the members of the Commission who shall each hold office for five years. The President and the two Vice-Presidents shall not be eligible for re-election as such officers.
2. The President and the two Vice-Presidents shall be full-time members of the Commission, while the remaining eighteen shall be part-time members.

Article VII

The President and the two Vice-Presidents shall constitute the Bureau of the Commission and shall have the responsibility of consulting with the parties as regards the appropriate mode of settling the dispute in accordance with this protocol.

Article VIII

The salaries and allowances of the members of the Bureau and the remuneration of the other members of the Commission shall be determined in accordance with provisions of the Charter of the Organisation of African Unity.

Article IX

1. The Commission shall appoint a Registrar and may provide for such other officers as may be deemed necessary.
2. The terms and conditions of service of the Registrar and other administrative officers of the Commission shall be governed by the Commission's Staff Regulations.

Article X

The Administrative expenses of the Commission shall be borne by the Organisation of African Unity. All other expenses incurred in connection with the proceedings before the Commission shall be met in accordance with the rules of procedure of the Commission.

Article XI

The Seat of the Commission shall be at Addis Ababa.

Part II

General Provisions

Article XII

The Commission shall have jurisdiction over disputes between States only.

Article XIII

1. A dispute may be referred to the Commission jointly by the parties concerned, by a party to the dispute, by the Council of Ministers or by the Assembly of Heads of State and Government.
2. Where a dispute has been referred to the Commission as provided in paragraph I, and one or more of the parties have refused to submit to the jurisdiction of the Commission, the Bureau shall refer the matter to the Council of Ministers for consideration.

Article XIV

The consent of any party to a dispute to submit to the jurisdiction of the Commission may be evidenced by:

- (a) a prior written undertaking by such party that there shall be recourse to Mediation, Conciliation or Arbitration;
- (b) reference of a dispute by such party to the Commission; or
- (c) submission by such party to the jurisdiction in respect of a dispute referred to the Commission by another State, by the Council of Ministers, or by the Assembly of Heads of State and Government.

Article XV

Member States shall refrain from any act or commission that is likely to aggravate a situation which has been referred to the Commission.

Article XVI

Subject to the Provisions of this protocol and any special agreement between the parties, the Commission shall be entitled to adopt such working methods as it deems to be necessary and expedient and shall establish appropriate rules of procedure.

Article XVII

The members of the Commission, when engaged in the business of the Commission, shall enjoy diplomatic privileges and immunities as provided for in the Convention on Privileges and Immunities of the Organisation of African Unity.

Article XVIII

Where, in the course of Mediation, Conciliation or Arbitration, it is deemed necessary to conduct an investigation or inquiry for the purpose of elucidating facts or circumstances relating to a matter in dispute, the parties concerned and all other Member States shall extend to those engaged in any such proceedings the fullest cooperation in the conduct of such investigation or inquiry.

Article XIX

In case of a dispute between Member States, the parties may agree to resort to any one of these modes of settlement: Mediation, Conciliation and Arbitration.

Part III

Mediation

Article XX

When a dispute between Member States is referred to the Commission for Mediation the President shall, with the consent of the parties, appoint one or more members of the Commission to mediate the dispute.

Article XXI

1. The role of the mediator shall be confined to reconciling the views and claims of the parties.
2. The mediator shall make written proposals to the parties as expeditiously as possible.
3. If the means of reconciliation proposed by the mediator are accepted, they shall become the basis of a protocol of arrangement between the parties.

Part IV

Conciliation

Article XXII

1. A request for the settlement of a dispute by conciliation may be submitted to the Commission by means of a petition addressed to the President by one or more of the parties to the dispute.
2. If the request is made by only one of the parties, that party shall indicate that prior written notice has been given to the other party.
3. The petition shall include a summary explanation of the grounds of the dispute.

Article XXIII

1. Upon receipt of the petition, the President shall, in agreement with the parties, establish a Board of Conciliators, of whom three shall be appointed by the President from among the members of the Commission, and one each by the parties.
2. The Chairman of the Board shall be a person designated by the President from among the three members of the Commission.
3. In nominating persons to serve as members of the Board, the parties to the dispute shall designate persons in such a way that no two members of it shall be nationals of the same State.

Article XXIV

1. It shall be the duty of the Board of Conciliators to clarify the issues in dispute and to endeavour to bring about an agreement between the parties upon mutually acceptable terms.
2. The Board shall consider all questions submitted to it and may undertake any inquiry or hear any person capable of giving relevant information concerning the dispute.
3. In the absence of agreement to the contrary between the parties, the Board shall determine its own procedure.

Article XXV

The parties shall be represented by agents, whose duty shall be to act as intermediaries between them and the Board. They may moreover be assisted by counsel and experts and may request that all persons whose evidence appears to the Board to be relevant shall be heard.

Article XXVI

1. At the close of the proceedings, the Board shall draw up a report stating either:
 - (a) that the parties have come to an agreement and, if the need arises, the terms of the agreement and any recommendations for settlement made by the Board; or
 - (b) that it has been impossible to effect a settlement.
2. The report of the Board of Conciliators shall be communicated to the parties and to the President of the Commission without delay and may be published only with the consent of the parties.

Part V

Arbitration

Article XXVII

1. Where it is agreed that arbitration should be resorted to, the Arbitral Tribunal shall be established in the following manner:

- (a) each party shall designate one arbitrator from among the members of the Commission having legal qualifications;
- (b) the two arbitrators thus designated shall, by common agreement, designate from among the members of the Commission a third person who shall act as Chairman of the Tribunal.
- (c) where the two arbitrators fail to agree on the choice of the person to be Chairman of the Tribunal the Bureau shall designate the Chairman.

2. The President may, with the agreement of the parties, appoint to the Arbitral Tribunal two additional members who need not be members of the Commission but who shall have the same powers as the other members of the Tribunal.

3. The arbitrators shall not be nationals of the parties nor may they have their domicile in the territories of the parties or be employed in their service. They shall all be of different nationals.

Article XXVIII

Recourse to arbitration shall be regarded as submission in good faith to the award of the Arbitral Tribunal.

Article XXIX

1. The parties shall, in each case, conclude a compromise which shall specify:

- (a) the undertaking of the parties to go to arbitration, and to accept as legally binding, the decision of the Tribunal,
- (b) the subject matter of the controversy, and
- (c) the Seat of the Tribunal.

2. The compromise may specify the law to be applied to the Tribunal and the power, if the parties so agree, to adjudicate *ex aequo et bono*, the time limit within which the award shall be rendered, and the appointment of agents and counsel to take part in the proceedings before the Tribunal.

Article XXX

In the absence of any provision in the compromise regarding the applicable law, the Arbitral Tribunal shall decide the dispute according to treaties concluded between the parties. International Law, the Charter of the Organisation of African Unity, The Charter of the United Nations and if the parties agree, *ex aequo et bono*.

Article XXXI

1. Hearings shall be held *in camera* unless the arbitrators decide otherwise.

2. The record of the proceedings signed by the arbitrators and the Registrar shall alone be authoritative.
3. The arbitral award shall be in writing and shall, in respect of every point decided, state the reasons on which it is based.

Part VI

Final Provisions

Article XXXII

The present Protocol shall, upon approval by the Assembly of Heads of State and Government, be an integral part of the Charter of the Organisation of African Unity.

Article XXXIII

This Protocol may be amended or revised in accordance with the provisions of Article XXXIII of the Charter of the Organisation of African Unity.

In Faith Whereof, We, the Heads of African State and Government have signed this Protocol.

APPENDIX C

ABBREVIATIONS

AAPSC	Afro-Asian People's Solidarity Conference
ALC	Africa Liberation Committee
ANC	African Nation Congress
BP	British Petroleum
FLN	National Liberation Front (Algeria)
FROLOZI	Front for the Liberation of Zimbabwe
KANU	Kenya African National Union
MPLA	Popular Movement for the Liberation of Angola
NATO	North Atlantic Treaty Organization
NFD	Northern Frontier District (Kenya)
OAS	Organization of American States
OAU	Organization of African Unity
OCAM	Afro-Malagas Common Organization
POLISARIO	Popular Front for the Liberation of Saqueit el Hamra and Rio de Oro
SSLF	Southern Sudanese Liberation Force
UDI	Unilateral Declaration of Independence
UNITA	National Union for the Total Independence of Angola
NANLA	Zimbabwe African National Liberation Army
ZANU	Zimbabwe African National Union
ZAPU	Zimbabwe African People's Union